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Umthetho oQhubekisa ukuLingana nokuvimbela uBandlululo olungaLungile Umthetho 4 ka 2000

[UVUNYWE MHLAKA 2 FEBRUARY 2000]

[UQALA UKUSEBENZA MHLAKA 16 JUNE 2003]

(Ngaphandle uma kuchazwe ngendlela ehlukile)

(Umbhalo wesiNgisi usayinswe nguMengameli)

njengoba uchitshiyelwe

Umthetho oQhubekisa ukuLingana nokuvimbela uBandlululo olunga-
Lungile umthetho 4 ka 2000, umthetho wesichibiyelo 52 ka 2002

Umthetho ongamele ezoMthetho, umthetho wesichibiyelo
wesibili 55 ka 2003

UMTHETHO

**Ukufeza/ukugcina isigaba 9 sifundwa nohlamvu 23(1) lweS-
heduli 6 kuMthethosisekelo weRipabliki yaseNingizimu
Afrika, 1996, ukuze kuvinjelwe noma kunqatshelwe uband-
lululo olungalungile, inkulumo eyinzonzo noma ukuhlupha,
ukuqhubekisa ukulingana nokususa ubandlululo olungalun-
gile; kanye nokuhlinzekela izindaba ezihlangene nalo.**

Isisusa

Ukuqinisa intando yeningi ezweni lethu kudinga kusiphulwe
ukungalingani ngokuhlalisana nasemnothweni, kakhulu lokho
kohlobo oluhleliwe, okwenziwa emlandweni wethu ukubuswa
elinye izwe, ubandlululo nokubuswa/nokuphathwa ngabesilisa,
futhi okwaletha ubuhlungu nokuhlupheka kuquqaba lwabantu
bakithi;

Nanxa inqubekela-phambili ebalulekile isiyenziwe ekuhleleni kabusha nokuguqula umgwamanda wabantu bakithi nezimiso zawo, ukungalingani okuhleliwe nobandlululo olungalungile lusele lumbeleke ngokujulile ezinqubweni zokuhlalisana, imikhuba nezemfundo, ezikhubaza ukulangazela kwentando yeningi yomthethosisekelo;

Isisekelo sokulungisa ngokuqhubekayo lezi zimo silele kuMthethosisekelo, phakathi kokunye, oqinisa amagugu esithunzi somuntu, ukulingana, inkululeko nobulungiswa kwezokuhlalisana emgwamandeni wabantu ohlangene ongacwasani ngobuzwe nangobulili lapho bonke benganethezeka;

INingizimu Afrika inezibopho zamazwe ngamazwe ngaphansi kwezivumelwano ezibophezelayo nomthetho olawula ohulumeni bamazwe ngamazwe endimeni yamalungelo esintu eqhubekisa ukulingana futhi enqabela ubandlululo olungalungile. Phakathi kwalezo zibopho yilezo ezikhonjwe kwiSivumelwano sokuSusa Zonke Izinhlobo zoBandlululo Olubhekene nabeSifazane kanye neSivumelwano sokuSuswa kwazo Zonke Izinhlobo zoBandlululo loBuzwe;

Isigaba 9 soMthethosisekelo sihlinzekela ukumiswa komthetho kaZwelonke wokuvimbela noma ukunqabela ubandlululo olungalungile nokuqhubekisa ukufezeka kokulingana;

Lokhu kugudlisela ekuqhubekisekeni phambili, ngezinyathelo zomthetho ezingavamile kanye nezinye zabantu abajiyezekile, imigwamanda namaqoqo kwezokuhlalisana aphucwa umhlaba wawo nengebo futhi bephucwa isithunzi sabo futh abaqhubekayo ukubekezela imikhokha;

LoMthetho uzama ukulungiselela ukuguqukela kumgwamanda wabantu bentando yeningi, ohlangene ekuhlukanen kwawo, ophawulwe ukuphathana kwabantu onakayo nonobubele, noqondiswa imigomo yokulingana, ubuqotho, isinwe/ukulunga, inqubekela-phambili kwezokuhlalisana, ubulungiswa, isithunzi zomuntu nenkululeko.

NGAKHOKE AKUMISWE yiPhalamende yase Ningizimu Afrika njengokulandelayo—

UHLU LOKUQOKETHWE

ISAHLUKO 1

*Izincazelo, izinjongo, ukuhumusha, imigomo yokuchushisa
nokusebenza komthetho*

1. Izincazelo
2. Izinjongo zoMthetho
3. Ukuhumusha uMthetho
4. Imigomo yokuchushisa
5. Ukusebenza koMthetho

ISAHLUKO 2

*Ukuvimbela, ukunqabela nokususa ubandlululo olungalingile,
inkulumo yenzondo nokuhlupha*

6. Ukuvimbela nokunqatshelwa okujwayelekile kobandlululo olungalingile
7. Ukunqabela ubandlululo olungalingile ngesizathu sobuzwe
8. Ukunqabela ubandlululo olungalingile ngesizathu sobulili
9. Ukunqabela ubandlululo olungalingile ngesizathu somqhina
10. Ukunqabela inkulumo eyinzondo
11. Ukunqabela ukuhlupha
12. Ukunqabela ukufafaza nokwazisa ngolwazi lokubandlulula ngokungalingile

ISAHLUKO 3

Indingakalo yesiqiniseko nokunqunywa kokulunga nokungalingi

13. Indingakalo yesiqiniseko
14. Ukunqunywa kokulunga noma ukungalingi
15. Inkulumo eyinzondo nokuhlupha okungabekiwe ngaphansi kokunqunywa kokulunga

ISAHLUKO 4

Izinkantolo zokulingana

16. Izinkantolo zokulingana neziphathimandla ezongamele
17. Omabhalane bezinkantolo zokulingana
18. Ofakazi
19. Imithethonqubo namacala asenkantolo

20. Ukumangala/ukuqalisa icala njengokuyala kwalo noma ngaphansi kwaloMthetho
21. Amandla nemisebenzi yenkantolo yokulingana
22. Abeluleki/abasizi
23. Ukudlulisa

ISAHLUKO 5

Ukuqhubekisa ukulingana

24. Isibopho esijwayelekile sokuqhubekisa ukulingana
25. Imfanelo kaHulumeni yokuqhubekisa ukulingana
26. Isibopho sabantu abasebenza emkhakheni womphakathi sokuqhubekisa ukulingana
27. Ukuzinikela kwabo bonke abantu abahlalisene ukuqhubekisa ukulingana
28. Izinyathelo ezingavamile zokuqhubekisa ukulingana maqondana nobuzwe, ubulili nomqhina
29. Izinkombanqubo maqondana nemikhuba kwimikhakha ethile

ISAHLUKO 6

Izihlinzeko ezijwayelekile nokugcwalisa umthetho

30. Izincazelo
31. Ukugcwalisa uMthetho

ISAHLUKO 7

Ukubukeza umthetho, isihloko esifingqiwe nokuqala

32. Ukumisa ikomiti lokuLingana lokuBukeza
33. Imisebenzi nesikhathi sokuphatha seKomiti yokuBukeza ukuLingana
34. Isiyalo somgomo weSANDULELA NGCULAZI/ISIFO SENG-CULAZI, ukuma kwesakhamuzi, ukuma kwezokuhlalisana nakwezomnotho nesibopho somndeni nokuma
35. Isihloko esifingqiwe nokuqala

*Isahluko 1***IZINCAZELO, IZINJONGO, UKUHUMUSHA IMIGOMO
YOKUCHUSHISA NOKUSEBENZA KOMTHETHO****1 *Izincazelo***

KuloMthetho, ngaphandle kokuba ingqikithi isho okunye—

“iKhomishani yamaLungelo eSintu yaseNingizimu Afrika” kusho iKhomishani yamaLungelo eSintu ekubhekiswe kuyo kusigaba 184 soMthethosisekelo;

“iKhomishani yokuLingana koBulili” kusho iKhomishani yokuLingana koBulili okubhekelwe kuyo kusigaba 187 soMthethosisekelo;

“inkantolo yokulingana” kusho inkantolo ecatsangwe kusigaba 16, sifundwa nesigaba 31, futhi kumbandakanya noma ikuphi okukhomba “inkantolo”;

“isibopho somndeni” kusho isibopho maqondana noganene nommangali, oganene naye, umondliwa, ingane noma amanye amalungu omndeni aphoqelekile ukuwanakekela nokuwondla;

“isikhungo soMthethosisekelo” kusho noma iziphi zezikhungo ezisekele intando yeningi yoMthethosisekelo okubhekiswe kuzo ku Sahluko 9 soMthethosisekelo simbandakanya iBhodi yezilimi Zonke zaseNingizimu Afrika;

“isimiselo” kusho isimiselo njengokuyala kwesigaba 53;

“isiphathimandla esongamele” kusho isiphathimandla esongamele senkantolo yokulingana esicatshangwe kusigaba 16, sifundwa nesigaba 31;

“izizathu ezinqatshelwe” yilezi—

- (a) ubuzwe, ubulili, ukukhulelwa, ukuma komshado, ubuhlanga, noma ukudabuka kwezokuhlalisana, ibala, ukugeba ngobulili, ubudala, umqhina, inkolo, unembeza, ukukholwa, isimo sempucuko, ulimi, nokuzalwa, ukuma kwesakhamuzi ukuma kwesandulela ngculazi-nesifo seng-

culazi, ukuma kwezokuhlalisana nomnotho, isibopho somndeni nokuma kwezomndeni, noma

(b) noma yisiphi esinye isizathu lapho ubandlululo olusekelwe kuleso sizathu—

(i) lubanga noma lwenza ukumisa kabi okuhlelwe kume njalo, noma

(ii) lwehlisa isitunzi somuntu, noma

(iii) kulimaza ukuthokozela okulinganayo kwamalungelo nezinkululeko ngendlela embi kakhulu enokulinganiswa nobandlululo ngesizathu esisendimeni (a);

“loMthetho” umbandakanya noma isiphi isimiselo njengokuyala kwesigaba 30 kodwa awumbandakanyi izenezelo ezibekwe ngaphansi;

“okunqunyiwe” kusho okunqunywe isimiselo njengokuyala kwaloMthetho;

“ubandlululo” kusho noma isiphi isenzo noma okushiye, kumbandakanya umgomo, umthetho, umthethonqubo, umkhuba, umbandela noma isimo ngokuqondile noma ngokungaqondile—

(a) esigidlela imithwalo, izibopho noma okumisa kabi, noma;

(b) esigodla izipho zesihle, amathuba noma izenzelelo/usizo, noma imuphi umuntu kwesisodwa noma kwezingaphezulu zezizathu ezinqatshelwe;

“ubudala/iminyaka” kumbandakanya imibandela, ukumisa kabi nokungalimazeka kwabantu okusekelwe ebudaleni/eminyakeni, kakhulu ukuguga;

“uHulumeni” kumbandakanya—

(a) noma imuphi umnyango kaHulumeni noma ukuphatha okukuzwelonke, okusesifundeni/okukuprovinsi noma kumkhakha kaHulumeni wasekhaya;

(b) noma isiphi esinye isikhulu noma isikhungo—

(i) esisebenzisa amandla noma esenza umsebenzi njengokuyala koMthethosisekelo noma uMthethosisekelo weprovinsi; noma

- (ii) esisebenzisa amandla omphakathi noma esenza umsebenzi womphakathi njengokuyala kwanoma imuphi umthetho noma ngaphansi komthetho wesiko noma wendabuko166

“ukuhlupha/ukukhathaza” kusho ukuziphatha okungafuneki okuphikelelayo noma okubi kakhulu nokululazayo, okufojisayo noma okwenza ubutha noma isimo esesabisayo noma esihlose ukuyengela ekutheleni koqobo noma ngokusongela ngemikhokha futhi ehlangene—

(a) nobulili, ubulili noma ukugeba ngobulili, noma

(b) ubulungu bomuntu noma ubulungu obucatshangwayo beqoqo elikhonjwa esisodwa noma ezingaphezulu zezizathu ezingatshelwe noma isidalo/umumo ohlangene nalo qoqo;

“ukukhulelwa” kumbandakanya noma isiphi isimo esihlangene nokukhulelwa, ukukhulelwa okuhlosiwe, ukukhulelwa okunokwenzeka noma ukunqamula ukukhulelwa;

“ukulingana” kumbandakanya okugcwele nokulinganayo ukuthokozela amalungelo nezinkululeko njengoba kucatshangwe kuMthethosisekelo futhi kumbandakanya ngokomthetho nesimo sokulingana njengokuyala kwemiphumela;

“ukuma komndeni” kumbandakanya ubulungu emndenini nakwezokuhlalisana, kwezempucuko namalungelo asemthethweni nokwethemba ahlange nalo kuma;

“ukuma komnotho kwezokuhlalisana” kumbandakanya isimo kwezokuhlalisana noma kwezomnotho noma isimo esicatsangelwayo somuntu ojijezwe ubumpofu, ukuma kokuqashwa okuphansi noma ukuntula noma izinga eliphansi lezimfanelo;

“ukuma komshado” kumbandakanya ukuma noma isimo sokungaganwa/sokungaganile, sokushada, sokwehlukana, sokufelwa noma sokuba nobudlelwano noma nomuntu onobulili obufanayo noma obungefani, obudlunyekeke ekuzibopheni kubudlelwane bokundlana;

- “ukuma kwesakhamuzi/isizwe”** kusho umdabuko ngobuhlanga noma ngobuzwe futhi kumbandakanya imikhuba ehlangene nokuzonda abezizwe kanye nokunye ukucabangela okubi kohlobo lobandlululo kodwa akumdandakanyi amalungelo nezimfanelo ngokuvamile ahlangele nokuba isakhamuzi;
- “ukuma kwesandulela ngculazi/isifo sengculazi”** kumbandakanya ukuba khona ngempela noma okucathangelwayo ukuba khona kwegciwane leSandulela Ngculazi emzimbeni womuntu noma izimpawu zesifo sengculazi, kanye nokunye ukucabangela okubi okusekelwe kulokhu kuma;
- “umabhalane wenkantolo yokulingana”** kusho umabhalane wenkantolo yokulingana obekwe njengokuyalela kwesigaba 17, sifundwa nesigaba 31, futhi ubandakanya noma iyiphi inkomba “kumabhalane”;
- “umkhakha”** kusho noma imuphi umkhakha okubhekiswe kuwo kwisigaba 29, futhi kumbandakanya imikhakha ehlelwe kusheduli 1;
- “ummangali”** kusho noma imuphi umntu ogomela yinoma ikuphi ukwepfulwa kwaloMthetho futhi omangalayo njengokuyala kwaloMthetho;
- “uMnyango”** kusho uMnyango woBulungiswa nokuThuthukisa uMthethosisekelo;
- “umphendulicala”** kusho noma imuphi umuntu omangalelwe ngecala njengokuyala kwaloMthetho;
- “uMthethosisekelo”** kusho uMthethosisekelo weRipabliki yase-ningizimu Afrika, 1996 (uMthetho 108 ka 1996);
- “umuntu”** kumbandakanya umuntu ngeso lomthetho nanoma iyiphi into/impahla engeyona umuntu ngeso lomthetho noma iqoqo noma uhlobo lwabantu;

2 *Izinjongo zomthetho*

Izinjongo zaloMthetho—

- (a) zingukumisa umthetho ogcina isigaba 9(4) soMthethosisekelo;
- (b) ukufeza okulotshiwe uqobo nomgomo woMthethosisekelo, kakhulu—
 - (i) ukuthokozela okulinganayo kwawo wonke amalungelo nezinkululeko yiwo wonke umuntu;
 - (ii) ukuqhubekisa ukulingana;
 - (iii) amagugu okungabikhona ukucwasa ngobuzwe nokungacwasani ngobulili okuqukethwe kwisigaba 1 soMthethosisekelo;
 - (iv) ukuvimbela ubandlululo olungalungile nokuvikela isithunzi somuntu okuqukethwe isigaba 9 no 10 soMthethosisekelo;
 - (v) ukunqabela ukushoshozelwa kwenzondo, esekelwe ebu-zweni, ebuhlangeni, ebulilini noms enkolweni, eyenza ukubhebhezela okubanga ukulimala njengoba kucats-hangwe esigabeni 16(2)(c) soMthethosisekelo nesigaba 12 saloMthetho;
- (c) ukwenza isihlinzeko sezinyathelo zokulungiselela ukuqedwa kodandlululo olungalungile, inkulumo eyinzondo nokuhlul-pha, kakhulu maqondana nobuzwe, ubulili nomqhina;
- (d) ukuhlinzekela izinqubo zokunquma izimo lapho ubandlululo kuba olungalungile khona;
- (e) ukuhlinzekela ngezinyathelo zokufundisa umphakathi noku-lumukisa ngokubaluleka kokuqhubekisa phambili ukulin-gana nokunqoba ubandlululo olungalungile;
- (f) ukuhlinzekela ngamakhambi ababeficezelwe ubandlululo olungalungile, inkulumo eyinzondo nokuhlushwa nabantu okuphulwe ilungelo labo lokulingana;
- (g) ukuhlelisa izinyathelo zokuqhubekisela phambili abantu aba-jiyewe ubandlululo olungalungile;
- (h) ukulungiselela ukuqhubekisela phambili ukuthobela umthe-tho wezimfanelo wamazwe ngamazwe kumbandakanya izi-

mfanelo zemvumelwano njengokuyala kweSivumelwano sokuSusa Zonke Izinhlobo zoBandlululo loBuzwe neSivumelwano sokuSusa Zonke Izinhlobo zoBandlululo olubhekene nabeSifazane phakathi kwezinye.

“**uNgqongqoshe**” kusho uNgqongqoshe woBulungiswa nokuT-huthukisa uMthethosisekelo;

3 *Ukunyushwa komthetho*

- (1) Noma imuphi umuntu osebenzisa loMthetho makahumusha izihlinzeko zawo ukugcina—
 - (a) uMthethosisekelo, izihlinzeko zawo kumbandakanya ukuqhubekisa ukulingana ngomthetho nangezinye izinyathelo okucetshwe ukuba zivikele noma ziqhubekisele phambili abantu abamiswe kabi ubandlululo olungalungile olwedlule nolwamanje;
 - (b) Isisusa, izinjongo nemigomo echushisayo yaloMthetho, kanjalo kugcwaliseke umongo, okuqondiwe nezinjongo zaloMthetho;
- (2) Noma imuphi umuntu ohumusha loMthetho angaqaphela—
 - (a) noma imuphi umthetho oqondene noma umkhuba wokuziphatha njengokuyalela komthetho;
 - (b) umthetho wamazwe ngamazwe, kakhulu izivumelwano zamazwe ngamazwe okubhekiwe kuzo kusigaba 2 nomthetho ophethe ohulumeni bamazwe ngamazwe;
 - (c) umthetho wakwelinye izwe onokulinganiswa.
- (3) Noma imuphi umuntu osebenzisa noma ohumusha loMthetho makananezele isimo somcabango nenhloso yaloMthetho.

4 *Imigomo yokuchushisa*

- (1) Ekunqunyweni kwanoma iliphi icala elimangalwe ngokuyalela kwalo noma ngaphansi kwaloMthetho, imigomo elandelayo ifanele ukusetshenziswa:
 - (a) Ukuvavanywa kwamacala okusheshayo nokunganqunyelwe mthetho, okwenza kube lula ukuhlanganyela kwabahlanganyeli ecaleni;

- (b) ukufunyanisekisa kobulungiswa kubantu ekwahluleleni okuqondene nakwezinye izinkundla zokuxazulula imibango;
 - (c) ukusetshenziswa kwemithethonqubo njengokuyala kwesigaba 19 nezilinganiso ukulungiselela ukuhlanganyela;
 - (d) ukuthuthukiswa kwamakhono angavamile namandla abantu abasebenzisa loMthetho ukuze kulungiselelwe ukugcwaliswa okusebenzayo nokuphathwa kwawo;
- (2) Ekusebenziseni kwaloMthetho okulandelayo kufanele kwamukelwe futhi kunanzelwe:
- (a) Ukubakhona kobandlululo oluhleliwe nokungalingani, kakhulu maqondana nobuzwe, ubulili nomqhina kuyo yonke imikhakha yempilo ngenxa yobandlululo olungalingile lwamanje nolwedlule olwalethwa ababusi ababebusa lelizwe bekwamanye amazwe, uhlelo lobandlululo nohlelo lokubuswa ngabesilisa; kanye
 - (b) nesidingo sokuthatha izinyathelo kuwo wonke amazanga zokususa ubandlululo olunjalo nokungalingani.

5 *Ukusebenza komthetho*

- (1) Lomthetho uyambophezela uHulumeni nabo bonke abantu.
- (2) Uma noma ikuphi ukushayisana okuhlangene nodaba oluphethwe yiloMthetho kuvela phakathi kwaloMthetho nezihlinzeko zanoma imuphi omunye umthetho, kumbandakanya umthetho wePhalamende, ngaphandle koMthethosisekelo, izihlinzeko zaloMthetho zinamandla.
- (3) LoMthetho awusebenzi kunoma imuphi umuntu futhi kangangoba uMthetho woMsebenzi wokuLunga, 1998 (uMthetho 55 ka 1998), usebenza kuyena.

*Isahluko 2***UKUVIMBELA, UKUNQABELA NOKUSUSA UBANDLULULO
OLUNGALUNGILE, INKULUMO EYINZONDO NOKUHLUPHA****6 *Ukuvimbela nokunqabela okujwayelekile ubandlululo
olungalungile***

Noma uHulumeni noma ngabe imuphi umuntu angebandlulule ngokungalungile noma imuphi umuntu.

7 *Ukunqabela ubandlululo olungalungile ngesizathu sobuzwe*

Kuye ngesigaba 6, akukho muntu ongabandlulula ngokungalungile kubhekane noma imuphi umuntu ngesizathu sobuzwe kumbandakanya—

- (a) ukufafazwa kwanoma isiphi isithonya/ipropaganda noma umcabango/icebo eliphakamisa ukuba-mkhulu ngaphezulu noma ukuba phansi kwanoma imuphi umuntu, kumbandakanya ukubhebezela, noma ukuhlanganyela kunoma iluphi uhlobo lodlame lobuzwe;
- (b) ukuhlanganyela kunoma imuphi umsebenzi ohlose ukuqhubekisa noma onomphumela wokuqhubekisa ukuvalela abanye ngaphandle, osekelwe kubuzwe;
- (c) ukusilalisa kwabantu bobuzwe obuthile ngaphansi kwanoma imuphi umthethonqubo noma umkhuba obonakala uvunyelwe ngumthetho kodwa okusempeleni ohlose ukuphathwa ukusilalisa abanye ukuze kube iqoqo lobuzwe obuthile eliphethe lodwa;
- (d) ukuhlinzeka noma ukuqhubeka nokuhlinzeka ngezinkonzo ezimbana kunoma iliphi iqoqo lobuzwe uma kuqhathaniswa nalezo zelinye iqoqo lobuzwe;
- (e) ukunqabela ukufunyaniseka kwamathuba, kumbandakanya ukufunyaniseka kwezinkonzo noma amathuba ezinkontileka zokunika izinkonzo zenkokhelo.

8 *Ukunqabela ubandlululo olungalungile ngesizathu sobulili*

Kuye ngesigaba 6, akukho umuntu ongabandlulula ngokungalungile noma imuphi umuntu ngesizathu sobulili, kumbandakanya—

- (a) udlame olusekelwe ebulilini;
- (b) ukucwiya izitho zangasese zabesifazane;
- (c) uhlelo oluvimbela abesifazane ekudleni ifa lepmahla yomndeni;
- (d) noma imuphi umkhuba, kumbandakanya owendabuko, owesiko noma umkhuba wenkolo owehlisa isithunzi sabesifazane futhi okhubaza ukulingana phakathi kwabesifazane nabesilisa, kumbandakanya ukulimaza isithunzi nenhlalakahle yengane yentombazane;
- (e) noma imuphi umgomo noma ukuziphatha ngokungalungile obekela umncele ukufunyaniseka komhlaba ngabesifazane namalungelo, imali kanye nezinye izinsizo;
- (f) ubandlululo ngesizathu sokukhulelwa;
- (g) ukubekela umncele/ukukhawulisa abesifazane ukufunyaniseka kwezinkonzo noma izipho zesihle, njengempilo, imfundo nezihlinzeko zokusiza abantulayo;
- (h) ukunqabeka ukufunyaniseka kwamathuba, kumbandakanya ukufunyaniseka kwezinkonzo noma amathuba ezinkontileka zokunika izinkonzo zenkokhelo;
 - (i) ukungalingani okuhleliwe ekufunyanisekeni kwamathuba ngabesifazane ngenxa yokwaba umsebenzi ngobulili.

9 *Ukunqabela ubandlululo olungalungile ngesizathu somqhina*

Kuye ngesigaba 6, akukho muntu ongabandlulula ngokungalungile noma imuphi umuntu ngesizathu somqhina, kumbandakanya:

- (a) ngokwalela noma ngokususa kunoma imuphi umuntu onomqhina noma iyiphi imfanelo emsizayo noma emhlomiso edingekayo ukuze asebenze phakathi komgwamanda;
- (b) ngokwephula indlela yomkhuba noma izimiselo zeHovisi leZindima laseNingizimu Afrika eliphethe ukufunyaniseka kwezemvelo;
- (c) ngokwehluleka ukususa imigoqo/izithiyo ezikhawulisa ngokungalungile noma ezivimbela abantu abanemiqhina

ekuthokozeleni amathuba alinganayo noma ukwehluleka ukuthatha izinyathelo zokulungiselela ngokufanele izidingo zabantu abanjalo.

10 *Ukunqabela inkulumo eyinzondo*

- (1) Kuye ngombandela wesigaba 12, akukho muntu ongazisa ahlwanyele, aphakamise noma adalule amagama asekelwe kwesisodwa kwezingaphezulu zezizathu ezinqatshelwe abhekane noma imuphi umuntu angahunyushwa ngokufanele njengokukhombisa ngokusobala inhloso—
 - (a) yokuthunuka;
 - (b) yokulimaza noma ukubhebhezela ingozi/ukulimala;
 - (c) yokuvuthela noma yokuhlwanyela inzondo.
- (2) Ngaphandle kokona noma imaphi amakhambi ohlobo lwe-cala legazi ngaphansi kwaloMthetho, inkantolo njen-gokuhambisana nesigaba 21(2)(a) futhi nalapho kufanele khona, ingaledlulisela kumQondisi oShushisela uMphakathi onamadla noma iliphi icala eliphathelene nokwazisa, uku-phakamisa, ukuhlanganyela noma ukudalula inkulumo eyin-zondo njengoba kucatshangwe kusigatshana (1), ukuze kuqaliswe icala lobulelesi njengokuyala koMthethi weZwe, noma umthetho oqondene.

11 *Ukunqabela ukuhlupha*

Akukho muntu ongabeka noma imuphi umuntu ijoka loku-hlushwa.

12 *Ukunqabela ukufafaza nokwazisa ngolwazi lobandlululo olungalungile*

Akukho muntu—

- (a) ongafafaza noma asakaze noma iluphi ulwazi;
- (b) ongazisa noma abonise noma isiphi isikhangiso/isincomo noma isaziso,

Esingahunyushwa ngokufanele noma esingaqondwa ngokufanele njengesikhombisa inhloso esobala yokubandlulula noma imuphi umuntu: Kuqikelelwe ukuthi ukungena ebungcwetini

bokubumba/bokuqamba, inhlakanipho yengqondo ukuphenya ngezesayensi, ukubika okulungile ngonako lomphakathi noma ukwazisa nganoma iluphi ulwazi, isikhangis/isincomo noma isaziso njengokuhambisana nesigaba 16 soMthethosisekelo, akuvinjiwe yilesi sigaba.

Isahluko 3

INDINGAKALO YESIQINISEKO NOKUNQUNYWA KOKULUNGA NOMA UKUNGALUNGI

13 *Indingakalo yesiqiniseko*

- (1) Uma ummangali engagomela ngecala elibukeka lisobala ngobandlululo—
 - (a) umphendulicala makaqinise ngamaqiniso phambi kwenkantolo, ukuthi ubandlululo akalwenzanga, njengoba kushiwo, noma;
 - (b) umphendulicala makaqinise ukuthi ukuziphatha akusekelwe kwesisodwa noma kwezingaphezulu zezizathu ezinqatshelwe.
- (2) Uma ubandlululo lwenzeka—
 - (a) ngesizathu esisendimeni (a) sencazelo “izizathu ezinqatshelwe”, ngalokho alulungile—
 - (i) uma owodwa noma engaphezulu yemibandela ehlelwe kundima (b) yencazelo “izizathu ezinqatshelwe” ziqiniswa; futhi
 - (ii) ngaphandle kokuba umphendulicala eqinisa ukuthi ubandlululo alulungile.

14 *Ukkunquma ukulunga noma ukungalungi*

- (1) Akulona ubandlululo olungalungile ukuthatha izinyathelo ezihlose ukuvikela noma ukuqhubekisela phambili abantu noma izinhlobo zabantu ezimiswe kabi ubandlululo olungalungile nomaa amalungu alawo maqoqo noma izinhlobo zabantu.
- (2) Ekunqumeni noma umphendulicala ukuqinisele ukuthi ubandlululo lulungile, okulandelayo makunanzelwe:

- (a) isimo;
 - (b) izinto ekubhekiswe kuzo kusigatshana (3);
 - (c) noma ubandlululo lwehlukana ngokufanele noma ngokuvunyelwe umthetho phakathi kwabantu njengokuhambisana nezilinganiso ezinqumeka zingathonywe yilutho olunye, ezifunekayo kulowo msebenzi.
- (3) Izinto ekubhekiswe kuzo kwisigatshana 2(b) zibandakanya okulandelayo:
- (a) noma ubandlululo lwehlisa noma kungenzeka lwehlise isithunzi somuntu;
 - (b) umphumela noma umphumela okungenzeka ubandlululo lube nalo kumangali;
 - (c) isikhundla somangali kumgwamanda futhi noma uhlushwa izifanelo zobandlululo noma useqoqweni elihlushwa izifanelo ezinjalo zobandlululo;
 - (d) uhlobo nobungako bobandlululo;
 - (e) noma ubandlululo luwuhlobo oluhleliwe;
 - (f) noma ubandlululo lunenhloso evunyelwe ngumthetho;
 - (g) noma futhi ubandlululo luyifeza kangakanani inhloso yalo;
 - (h) noma kukhona isu elikhawulisayo nelimisa kabi kancono ukufeza inhloso;
 - (i) noma futhi zingakanani izinyathelo ezinjalo esezithathwe umphendulicala ezingezifanele njengoba kumi kanjalo—
 - (i) ukulungisa ukumisa kabi okusukela noma okuphathelene/okuhlangene nesisodwa noma ezingaphezulu zezizathu ezinqatshelwe;
 - (ii) ukulungisela ukungefani.

15 Inkulumo yenzondo nokuhlupha azibekiwe ngaphansi kokunquma ukulunga

Ezehlweni zenkulumo eyinzondo nokuhlushwa isigaba 14 asisebenzi.

*Isahluko 4***IZINKANTOLO ZOKULINGANA****16 Izinkantolo zokulingana nabazongamele**

(1) Ngokwezinhloso zaloMthetho, kodwa kuncike kwisigaba 31—

(a) zonke iziNkantolo eziPhakeme ziyizinkantolo zokulingana kulezo zindawo ezingaphansi kwazo.

(b) iJaji eliPhethe wamaJaji angabhala incwadi aqoke nanoma iliphi ijaji ukuba lengamele inkantolo yokulingana endaweni eliyisebenzayo, nokuncike kwisigatshana (2);

(c) uNgqongqoshe kumele ngokukhipha isaziso kwiPhephandaba likaHulumeni, emva kokubonisana nenhloko ephethe isifundazwe njengoba ichazwe kwisigaba 1 soMthetho ongamele ukusebenza kweziNkantolo zeziMantshi ka 1944 (umthetho 32 ka 1944)—

(i) ajube inkantolo kamantshi eyodwa noma ngaphezulu njengenkantolo yokulingana endaweni ethintekayo;

(ii) acacise imingcele yendawo ezosetshenzwa inkantolo yokulingana, engahlanganisa izifunda ezahlukenene njengoba zichazwe kwisigaba 2 somthetho ongamele ukusebenza kweziNkantolo zeziMantshi ka 1944;

(iii) anwebe noma anciphise indawo ezosetshenzwa inkantolo yokulingana;

(iv) aqoke indawo ibe yinye noma ngaphezulu kuleso sifunda lapho kuzolalelwa khona izindaba eziqondene nenkantolo yokulingana;

(v) aguqule noma ahoxise nanoma isiphi isaziso esikishwe kulandelwa lendima.

Ngaphandle nje uma zonke izinto eziphambi kwenkantolo ezingakaphothulwa ngaphambi kokuba kuhaye usuku lokukhipha isaziso kwiPhephandaba likaHulumeni, zizophothulwa ngaphandle kokubhekela leso saziso

[Indima (c) ifakwe isigab 28 somthetho 55 ka 2003 kusukela mhlaka 31 March 2005.]

- (d) inhloko ephethe echazwe kwindima (c) kumele ibhale incwadi lapho iqoka khona imantshi eyodwa noma ngaphezulu, abazokwengamela inkantolo yokulingana, nokuncike kwimigomo yesigatshana (2).
- (2) Imantshi okanye imantshi yokwengeza ephothule uqeqesho oluqondene nokwengamela inkantolo yokulingana—
- (a) ngaphambi kokuba kuqale ukusebenza kwesigaba 31; noma
- (b) njengoba kubhekwe kwisigaba 31(4), futhi nogama layo livela kuhla oluchazwe kwisigatshana (1) kuphela engaqokwa njengoba kuchazwe kwisigatshana (1).
- (3) ijaji eliPhethe nezinhloko zezifundazwe kumele—
- (a) bathathe zonke izinyathelo ukuqinisekisa ukuqokwa koyedwa okungenani ukwengamela inkantolo yokulingana endaweni abayiphethe; futhi
- (b) bazise uMqondisi-Jikelele ngokushesha lapho kunejaji, imantshi okanye imantshi yokwengeza esiphothule uqeqesho oluchazwe kwisigaba 31(4) no (5) noma eqokwe kulandalelwa isigatshana (1).
- (4) uMqondisi-Jikelele kuMnyango kumele agcine uhla lwawo wonke amajaji, izimantshi nezimantshi zokwengeza—
- (a) abaphothule uqeqesho oluchazwe kwisigaba 31(4) no (5); noma
- (b) abaqokwe ukuba bongamele inkantolo yokulingana njengoba kuchazwe kwisigatshana (1).
- (5) Lowo oqokwe ukwengamela inkantolo yokulingana kumele enze imisebenzi abuye asebenzise namandla awanikwe yiloMthetho okanye yinoma imuphi omunye umthetho.

[Isigaba 16 siguqulwe isigaba 1 somthetho 52 ka 2002 kusukela mhlaka 15 January 2003.]

17 *Omabhalane bezinkantolo zokulingana*

- (1) (a) uMqondisi-Jikelele kuMnyango, ebhekele imigomo yesigatshana 2 kanye nemithetho engamele ukusebenza kweminyango kahulumeni, angaqoka umsebenzi oyedwa noma ngaphezulu kulowo Mnyango, noma aqoke omunye umuntu

oyedwa noma ngaphezulu ngendlela enqunyiwe, abazoba omabhalane benkantolo yokulingana abayosiza leyo nkantolo abajutshelwe kuyo ukwenza imisebenzi yayo enqunyiwe.

[Indima (a) iguqulwe isigaba 2(a) somthetho 52 ka 2002 kusukela mhlaka 15 January 2003.]

(b) Uma nganoma isiphi isizathu umabhalane wenkantolo ehluleka ukwenza imisebenzi ebekiwe, noma kungekho muntu oqokwe njengomabhalane wenkantolo njengoba kuchazwe kwindima (a), uMqondisi-Jikelele angaqoka nanoma imuphi umsebenzi ofanelekile kuMnyango ukuba enze imisebenzi kamabhalane kuze kufike isikhathi lapho kuqokwa umabhalane ngendlela enqunyiwe kwindima (a), ngaphezu kwalokho okuchazwe kwisigatshana 2”;

[Indima (b) iguqulwe isigaba 2(a) somthetho 52 ka 2002 kusukela mhlaka 15 January 2003.]

(2) Umsebenzi okanye omunye umuntu ochazwe kwisigatshana (1)(a)nosephothule uqeqesho oluqondene nokwengamela inkantolo yokulingana—

(a) ngaphambi kokuba kuqale ukusebenza kwesigaba 31; noma

(b) njengoba kubhekkelwe kwisigaba 31(6),

futhi nogama lakhe livela kuhla oluchazwe kwisigatshana (3), abangaqokwa njengoba kuchazwe kwisigatshana (1)(a).

[Isigatshana (2) sengezwe isigaba 2(b) somthetho 52 ka 2002 kusukela mhlaka 15 January 2003.]

(3) uMqondisi-Jikelele kuMnyango kumele agcine uhla lwabo bonke abasebenzi nabantu—

(a) abaphothule uqeqesho oluchazwe kwisigaba 31(6); noma

(b) abaqokwe ukuba bongamele inkantolo yokulingana njengoba kuchazwe kwisigatshana (1)(a)”.

[Isigatshana (3) sengezwe isigaba 2(b) somthetho 52 ka 2002 kusukela mhlaka 15 January 2003.]

(4) uMqondisi-Jikelele unelungelo lokudliliselisa imisebenzi noma amandla athile anawo ngaphansi kwalesigaba kunoma imuphi omunye umsebenzi woMnyango ngaphansi kwemibandela eyobekwa nguye, kodwa lokho akumphuci lawo mandla

awanikwe yilesigaba, futhi unelungelo lokuguqula noma aho-xise isinqumo esithathwe yilowo msebenzi ekusebenziseni lawo mandla.

[Isigatshana (4) sengezwe isigaba 29 somthetho 55 ka 2003 kusukela mhlaka 15 March 2005.]

18 Ofakazi

Ukubakhona kofakazi nokukhokhwa kwemali yofakazi emacaleni avuka ekusebenzeni kwalomthetho makunqunywe nguN-gqongqoshe ngendlela enqunyiwe.

19 Izingqobomthetho namacala asenkantolo

- (1) Ngaphandle kokuba kuhlinzekwe kuloMthetho, izihlinzeko zoMthetho weZinkantolo zeziMantshi, 1944 (uMthetho 32 ka 1944), noMthetho weNkantolo ePhakeme, 1959 (uMthetho 59 ka 1959), kanye nezimiselo ezenziwe ngaphansi kwawo kanye nemithethonqubo eyenziwe ngaphansi koMthetho weMithethonqubo yeBhodi yeZinkantolo zoMthetho, 1985 (uMthetho 107 ka 1985), ziyasebenza ngezinguquko ezidingekile kuzinkantolo zokulingana, njengokuba lezi zihlinzeko ziphathelene—
 - (a) nokubekwa nemisebenzi yeziphathimandla;
 - (b) nokukhishwa nokunikwa kwencwadi yecala;
 - (c) nokugcinwa kwezinqumo noma imiyalo;
 - (d) nokugidlela izinhlawulo zokungayithobeli imiyalo yenkantolo, nokuvimbela ukufezwa kwezinqumo noma imiyalo, kanye nokudelela inkantolo;
 - (e) nesikhundla samandla omthetho, kuye ngesigatshana (3) kanye nanjengokuba kungekho okunye ukuhlinzeka osekwenziwe kwizimiselo ngaphansi kwesigaba 30 salomthetho.
- (2) Onke amacala angaphambi kwenkantolo makaqhutshwe enkantolo evulekile, ngaphandle nanjengokuba inkantolo ingayala ngokunye ngenxa yeminako yokuphathwa kobulungiswa.

- (3) (a) Kuye ngendima (b), akukho lutho kuloMthetho okuvimbela inkantolo yemantshi ehlezi njengenkantolo yokulingana ekwenzeni umyalo ocatshangwe kwisigaba 21(2), owevile esikhundleni samandla emali enkantolo yemantshi, uma kunjalo ke umyalo mawuyiswe ngendlela enqunyiwe kwijaji laseNkantolo ePhakeme enesikhundla samandla ukuyoqiniswa.
- (b) Ukusebenza kwendima (a), ephathelelene nokuqiniswa komyalo, iyalengiswa kuze kube noma yikuphi ukudlulisa okucatshangwe kusigaba 23 sekuphethiwe.

20 *Ukumangala/ukuqalisa icala ngaphansi kwaloMthetho*

- (1) Icala ngaphansi kwaloMthetho lingamangalwa/lingaqaliswa:
- (a) yinoma imuphi umuntu owenzela unako lwakhe;
- (b) yinoma imuphi umuntu owenzela omunye umuntu ongakwazi ukwenza egameni lalowo muntu;
- (c) yinoma imuphi umuntu owenza njengelungu, noma obhekele iminako yeqoqo noma isigaba sabantu;
- (d) yinoma imuphi umuntu okwenzela ukusiza umphakathi;
- (e) yinoma iyiphi inhlangano ekwenzela ukusiza amalungu ayo;
- (f) yiKhomishani yamaLungelo eSintu yaseNingizimu Afrika noma iKhomishani yokuLingana koBulili;
- (2) Umuntu ofuna ukumangala njengokuyala kwalo noma ngaphansi kwaloMthetho makazise umabhalane wenkantolo yokulingana, ngenhloso yokwenze njalo, ngendlela enqunyiwe.
- (3) (a) Umabhalane wenkantolo yokulingana makadlulisele udaba kwisiphathimandla esongamele senkantolo yokulingana okukhulunywa ngayo ngaphakathi kwenkathi enqunyiwe yokwemukela lokho kwaziswa, okufanele ngenkathi enqunyiwe anqume noma udaba luzothethwa enkantolo yokulingana noma kufanele ludluliselwe kwesinye isikhungo esifanele umgwamanda, inkantolo, inkundla, noma enye inkundla (emuva kwalokhu okub-

hekiswe kuyo njengeny e inkundla) ngokubona kwesiphathimandla engaluphatha kangcono ngokufanele udaba njengokuyala kwamandla nemisebenzi kwaleyo enye inkundla.

- (b) Uma isiphathimandla esongamele sinquma ukuthi udaba luzothethwa enkantolo yokulingana, isiphathimandla esongamele masilukhombwe udaba kumabhalane wenkantolo yokulingana okufanele phakathi kwenkathi enqunyiwe yalokhu kukhonjwa anike usuku lokuthethwa kodaba.
- (4) Isiphathimandla esongamele, makananzele zonke izimo eziqondene kundakanya ezilandelayo, ngaphambi kokwenza isinqumo sokwedlulisela udaba njengoba kucatshangwe kusigatshana (3):
- (a) Izimo/izimeko zabahlanganyeli eziqondene nabo uqobo futhi kakhulu ummangali;
- (b) ukufunyaniseka koqobo kwanoma iyiphi enye inkundla;
- (c) izidingo nezifiso zabahlanganyeli futhi kakhulu ummangali;
- (d) uhlobo lwecala elihlosiwe futhi noma isiphetho secala singalungiselela ukuthuthukiswa kwesandlulelo sokwahlulela samajaji nesayensi lemithetho kulomkhakha womthetho;
- (e) imibono yesikhulu esifanele kunoma iyiphi enye inkundla ecatshangiwe.
- (5) (a) Uma isiphathimandla sinquma ukuthi udaba malwedluliselwe kwenye inkundla makenze umyalo, ngendlela enwunyiwe, oyala umabhalane wenkantolo yokulingana ukuba udaba alukhombwe kwenye inkundla eshiwo emyalweni;
- (b) Lapho senza umyalo ocatshangwe endimeni (a), isiphathimandla singajobelela kumyalo noma yiziphi izithasiselo esizibona zidingekile zokuqashelwa enye inkundla.
- (6) Umabhalane wenkantolo yokulingana makalwedlulise udaba futhi azise abahlanganyeli odabeni ngokwedluliswa

- kwalo, ngendlela enqunyiwe, ekwamukeleni umyalo okubhekiswe kuwo kwisigatshana (5).
- (7) Inkundla enye ekukhulunywa ngayo mayiluvavanye udaba ngokushesha ekumukeleni udaba oludluliselwe kuyo njen-gokuyala kwamandla nemisebenzi yalo.
- (8) Uma inkundla enye ekubhekiswe kuyo kusigatshana (7)—
- (a) yehluleka ukulivavanya udaba ngaphakathi kwesikhathi esifanele njengoba kumi kanjalo; noma
- (b) ingakwazi ukulixazulula udaba ngokwenelisa oyedwa noma bobabili abahlanganyeli futhi oyedwa noma bobabili abahlanganyeli becala kanjalo, isikhungo esinye masiluphindisele emuva kwinkantolo yokulingana olwavela kuyo, ngendlela enqunyiwe, ukwahlulelwa, ngaphakathi kwesikhathi esinqunyiwe kusukela osukwini olwaphindiselwa ngalo kwinkantolo yokulingana.
- (9) uHulumeni nezikhungo zoMthethosisekelo masisize, njen-goba kunokwenzeka ngokufanele, noma imuphi umuntu ofuna ukumangala njengokuyala kwalo noma ngaphansi kwaloMthetho, ngokulungiselela ukuba kwenzeke ukuba umuntu akhonjiswe isikhulu/umsebenzi ofanele ukuze enze okudingekile ukuqhubekisela phambili udaba okukhulunywa ngalo.

21 *Amandla nemisebenzi yenkantolo yokulingana*

- (1) Inkantolo yokulingana ekumangalwa kuyo amacala njen-gokuyala kwalo noma ngaphansi kwaloMthetho mayenze uphenyo ngendlela enqunyiwe bese inquma noma ubandlululo olungalungi;e lwenzekile, inkulumo eyinzondo noma ukuhlupha, kuye ngesimo, kwenzekile, njengoba kushiwo.
- (2) Emuva kokwenza uphenyo, inkantolo, ingenza umyalo njen-goba kumi kanjalo, kumbandakanya—
- (a) umyalo wesikhashana;
- (b) umyalo oqinisa amalungelo abahlanganyeli;
- (c) umyalo owenza isivumelwano phakahi kwabahlanganyeli ecaleni ube umyalo wenkantolo;

- (d) umyalo wokukhokha noma imaphi amademeshe maqondana nanoma iyiphi ingcithakalo yemali eqinisiwe, kumbandakanya incithakalo ezayo, noma mayelana nokwehlisa isithunzi, ubuhlungu nokuhlupheka noma umunyu nokuhlupheka kwengqondo, ngenxa yobandlululo olungalungile, inkulumo eyinzondo noma ukuhlupha okukhulunywa ngakho;
- (e) ngemuva kokuzwa imibono yabahlanganyeli noma, ekungabini-khona komphendulicala, imibono yomman-gali odabeni, umyalo wokukhokha amademeshe awuhlobo lwesabelo kumgwamanda noma kwinhlangano;
- (f) umyalo wokuvimbela imikhuba ebandlulula ngokungalungile noma oyala ukuba izinyathelo ezithize zokuqeda ubandlululo olungalungile azithathwe;
- (g) umyalo wokwenza amathuba athize namalungelongoqangi ancishwa ngokungalungile njengoba kumi kanajalo, atholakale kummangali okukhulunywa ngaye;
- (h) umyalo wokugcwalisa imithetho ethize yokuqeda ubandlululo olungalungile, inkulumo eyinzondo noma ukuhlupha okukhulunywa ngakho;
- (i) umyalo oyala umphendulicala ukuba anike iqoqo noma isigaba sabantu indawo yokuhlala nokulala efanele;
- (j) umyalo othi ukuhoxisa okungenambandela akwenziwe;
- (k) umyalo oyala umphendulicala ukuba enze ucwaningo lwemigomo ethize noma imikhuba njengoba kunqume inkantolo;
- (l) umyalo ofanele wohlobo oluqandayo, kumbandakanya isincomo kwigunya elifanele, uuba liyilendise noma liyichithe ilayisense yomuntu;
- (m) isiyalo esiyala umphendulicala ukuba enze ngesikhathi imibiko eqhubekayo kwinkantolo noma kusikhungo somthethosisekelo esiqondene maqondana nokugcwalisa umyalo wenkantolo;
- (n) umyalo oyala umabhalane wenkantolo yokulingana ukuba ayise udaba kumQondisi oShushisela uMphakathi

onamandla ukuze kubhekwe ukuthi kungenzeke yini ukuba kuqaliswe icala lobulelesi njengokuyalela komthetho wezwe noma umthetho oqondene;

- (o) umyalo ofanele wezindleko obhekene nanoma imuphi umhlanganyeli ecaleni;
 - (p) umyalo wokuthobela noma isiphi isihlinzeko soMthetho.
- (3) Umyalo owenziwe inkantolo yokulingana njengokuyala kwalo noma ngaphansi kwaloMthetho unomphumela womyalo wenkantolo eshiwo owenziwe ecaleni lombango, lapha kufanele khona.
- (4) Inkantolo, phakathi noma emuva kophenyo—
- (a) ingayidlulisela iminazo yayo kunoma iliphi icala elingaphambi kwayo, kakhulu uma kwenzeka uktuhi kukhona okweqiwa/ukwepfulwa okuphikelelayo noma ukwehluleka ukuthobela isihlinzeko saloMthetho noma uma kwenzeka ubandlululo oluhleliwe olungalungile, inkulumo eyinzondo noma ukuhlupha kunoma isiphi isikhungo soMthethosisekelo ukuze kuphinde kuphenywe;
 - (b) ingadlulisela noma iliphi icala elingaphambi kwayo kunoma isiphi isikhungo soMthethosisekelo esiqondene noma umgwamanda ofanele ukuze luxazululwe, kushwelezwe noma kuboniswane.
- (5) Inkantolo inawoonke amandla asizayo/alekelelayo adingekile noma ahambisana nawo ngokufanele ekwenzeni imisebenzi yayo nokusebenzisa amandla ayo, kumbandakanya amandla okunika imiyalo yesikhashana noma izinqumo zokuvimbela.

22 *Abeluleki/abasizi*

- (1) Kunoma iliphi icala njengokuyala kwalo noma ngaphansi kwaloMthetho, inkantolo, icelwa inoma imuphi wabahlanganyeli, noma ngentando yayo uma isiphathimandla esongamele sibona ukuthi kunokusiza ubulungiswa, inabiza ukuzoyisiza oyedwa noma bobabili abantu abafanele futhi abanokutholakala futhi abangavuma ukuhlala futhi benze njengabasizi.

- (2) Abeluleke ababekwe njengokuyala kwesiagatshana (1), bacatshangwa ukuthi bangamalungu enkantolo ngezinhlalo zaloMthetho, kuye ngesiagatshana (3).
- (3) (a) Noma iluphi udaba lomthetho oluvukayo ukuze lunqunywe ecaleni elithintekile futhi nanoma iluphi umningo wokuthi udaba lokunqunywa Ingudaba olungamaqiniso noma udaba lomthetho malinqunywe isiphathimandla esongamele ngendlela enqunyiwe.
- (b) Isiphathimandla esongamele masilihlelise iala maqondana nanoma iluphi udaba noma inkinga okubhekiswe kuyo endimeni (a) bese sihlala sodwa ukuthetha lelo cala kanye nesinqumo salolo daba noma inkinga.
- (c) Nanini lapho isiphathimandla senza isinqumo njengokuyala kwendima (a) masinike izizathu zaleso sinqumo.
- (4) Kuzo zonke izindaba ezenzeke ngempela okutholiwe noma isinqumo seningi lamalungu enkantolo singokutholiwe noma siyisinqumo senkantolo, futhi uma kwenzeka ukuba kube ngoyedwa umluleki, okutholiwe noma isinqumo senkantolo siyoba namandla.
- (5) (a) Uma umluleki efa, noma ngombono wesiphathimandla esongamele engasakwazi ukwenza njengomluleki, noma ngasiphi isizathu engabikhona noma eseyalwe ukuba ahoxe noma esezihoxisile yena, kunoma iliphi ibanga ngaphambi kokuphela kwecala elithintekile, isiphathimandla esongamele, uma kunokusiza ubulungiswa futhi emuva kokunaka ngokufanele izimpikiswano eziphakamiswe abahlanganyeli ecaleni noma abameli babao—
- (i) singayala ukuba icala liqhubeke ngaphambi kwelungu noma amalungu enkantolo asele;
- (ii) singayala ukuba icala liqalwe kabusha; noma
- (iii) uma umluleki engekho, lihleliswe icala ukuze kutholakale ukubakhona komluleki.
- (b) Isiphathimandla esongamele masinike izizathu zanoma isiphi isiyalo okubhekiswe kuso kundima (i) noma (ii).

- (6) (a) Isiphathimandla esongamele esisizwa ngabeluleki ophe-nyweni lapho umhlanganyeli ecaleni enomyalo owenziwe wabhekana naye makazibhale izizathu zombono wakhe—
- (i) uma lowo mhlanganyeli ecaleni engasizwa ummeli; futhi
 - (ii) uma isiphathimandla esongamele sinombono wokuthi abeluleki abathintekile benze ngokusobala okutholiwe okungalungile.
- (b) Umabhalane wenkantolo yokulingana makaziyise lezo zizathu kanye nerekhodi lecala kwinkantolo ephakeme yokwedlulisa okukhulunywa ngayo, ngesikhathi esinokwenzeka kahle, ngendlela enqunyiwe, ukuzobukezwa.
- (c) Inkantolo yokwedlulisa inamandla okuqinisa okutholiwe okushiwo noma ukwenza noma imuphi umyalo ofanele maqondana nalokho okutholiwe ukuthi ngombono wenkantolo yokwedlulisa engabe kwenziwa njengoba kumi kanjalo.

23 *Ukudlulisa nokubukeza*

- (1) Noma imuphi umuntu onesikhalo/owenziwe yinoma imuphi umyalo owenziwe inkantolo yokulingana njengokuyalela kwalo noma ngpahansi kwaloMthetho, angawedlulisa lowo myalo obhekene naye eNkantolo ePhakeme enesikhundla samandla omthetho noma kwinkantolo ePhakeme yokwedlulisa, kuye ngesimo.
- (2) Ekudluliswei, iNkantolo ePhakeme yookweDlulisa, kuye ngesimo, ingenza lowo myalo odabeni njengoba ingacabanga kufanele.
- (3) Phezu kokuba isigatshana (1) sihkinzeka kanjalo, noma imuphi umuntu okhononda nganoma imuphi umyalo owenziwe inkantolo yokulingana, kuye ngemithethonqubo yeNkantolo yoMthethosisekelo, angawedlulisela ngokuqondile ngqo kwiNkantolo yoMthethosisekelo ukuyoxazululwa.

- (4) Uma kwenzeka kuba khona iziphathimandla ezenza izinqumo ezishayisanayo ezindabeni ezifanayo maqondana nendima (b) sencazello “izizathu ezenqatshelwe”, isinqumo masiyiswe kwiNkantolo ePhakeme enamandla, ukuze sibukezwe.
- (5) (a) Uma isiphathimandla esongamele eNkantolo yeMantshi senza isinqumo esiphathelene nobandlululo okubhekiswe kulo kundima (b) sencazello “izizathu ezenqatshelwe”, isinqumo masiyiswe eNkantolo ePhakeme enamandla, ukuze sibukezwe.
- (b) iNkantolo ePhakeme ekukhulunywa ngayo mayenze isixazululo maqondana nesizathu okubhekiswe kuso endimeni (a) futhi emuva kwalokho ingenza noma imuphi umyalo njengokuyala kwalomthetho njengoba ibona kufanele, emuva kokubheka udaba.
- (c) Ukusebenza kwendima (a) kuyalengiswa kuze kube noma yikuphi ukudlulisa okucatshangwe kulesi sigaba sekuphethiwe.

Isahluko 5

UKUQHUBEKISA UKULINGANA

24 *Isibopho esijwayelekile sokuqhubekisa ukulingana*

- (1) uHulumeni unemfanelo nesibopho sokuqhubekisa nokufeza ukulingana.
- (2) Bonke abantu banemfanelo nesibopho sokuqhubekisa ukulingana.

25 *Imfanelo kaHulumeni yokuqhubekisa ukulingana*

- (1) uHulumeni, lapho kudingeke khona ngosizo lwezikhungo zoMthethosisekelo eziqondene—
- (a) makathuthukise ukulumuka kwamalungelo esintu angenakusala ukuze kwandiswe umoya wokuqonda, ukuhloliphana nokulingana;
- (b) makathathe izinyathelo zokuthuthukisa nokugcwalisa izinhlelo ukuze kuqhubekiswe ukulingana;
- (c) nalapho kudingeke noma kufanele khona—

- (i) athuthukise umsebenzi nokuqala amapulani okulungisa ubandlululo olungalungile, inkulumo eyinzondo noma ukuhlupha;
 - (ii) amise futhi omunye umthetho ophokophele ukuqhubekisa ukulingana nokumisa uhlaka lomthetho oluhambisana naloMthetho;
 - (iii) athuthukise izindlela zomkhuba wokuziphatha ezicatshangwe kuloMthetho ukuze kuqhutshekiswe ukulingana, nokuthuthukisa imithethonqubo, kumbandakanya izindlela zokuziphatha maqondana nendawo yokuhlala efanele;
 - (iv) ahlinzeke ngosizo, izeluleko nokuqeqesha ezindabeni zokulingana;
 - (v) sithuthukise amasu ngaphakathi afanele ukuvavanywa izikhalo zobandlululo olungalungile, inkulumo eyinzondo nokuhlupha;
 - (vi) makenze amasu olwazi ngenhloso yokuba loMthetho waziwe.
- (2) iKhomishani yamaLungelo eSintu yaseningizimu Afrika kanye nezinye izikhungo zomthethosisekelo, ngaphezulu kwanoma iyiphi enye imfanelo, ingacela noma iyiphi enye ingxenye ewela ngaphakathi kwencazelo kaHulumeni noma imuphi umuntu ukuyinika ulwazi lwanoma iziphi izinyathelo eziqondene nokufezwa kokulingana kumbandakanya, lapha kufanele khona, kwenziwa ngomthetho noma ngesigungu nangokuthobela umthetho, ngezindlela zomkhuba wokuziphatha kanye nangezinhlelo, njengokuyala koMthethosisekelo noma imuphi umthetho.
- (3) Ngaphezu kwamandla nemisebenzi yezikhungo zoMthethosisekelo lezi zikhungo zinamandla—
- (a) okusiza abamangali ukumangala emacaleni asenkantolo yokulingana, kakhulu abamangali abajiyezekile;
 - (b) ngokwenza uphenyo emacalenii nokwenza izincomo njengokuyala kwenkantolo maqondana nokwephulwa okuphikelelayo kwaloMthetho noma amacala obandlu-

lulo olungalungile, inkulumo eyinzondo ekhonjwe kubona yinkantolo yokulingana;

- (c) ngokucela kuMnyango ngendlela enqunyiwe, imibiko evamile maqondana nenani lamacala nohlobo nompfumela wawo.
- (4) Bonke oNgqongqoshe mabagcwalise imithetho/izinyathelo ngezinsizo ezitholakalayo ezihlose ukufeza ukulingana ezindaweni zezibopho zabo—
 - (a) ngokususa noma iluphi uhlobo lobandlululo olungalungile noma ukungapheli kokungalingani kunoma imuphi umthetho, umgomo noma umkhuba lapho laboNgqongqoshe benesibopho khona; kanye
 - (b) nangokulungisa nokugcwalisa amapulani okulingana ngendlela enqunyiwe, okuqukethwe yiwo makumbanda-kanye isikhathi esimisiwe sokugcwalisa lawo mapulani, enziwe kuboniswana noNgqongqoshe wezeZimali.
- (5) (a) Amapulani okulingana, mawayiswe kuKhomishani yamaLungelo eSintu yaseNingizimu AFrika ukuze avanywe ngendlela enqunyiwe ngaphakathi kweminyaka emibili ngemuva kokuqala kwaloMthetho.
 - (b) iKhomishani yamaLungelo eSintu yaseNingizimu Afrika mayibonisane neKhomishane yokuLingana kobulili lapho ivavanya amapulani acatshangwe endimeni 5(a).

26 *Isibopho sabantu abasebenza emkhakheni womphakathi sokuqhubekisa ukulingana*

Kuyisibopho sanoma imuphi umuntu ngokuqindile noma ngokungaqondile abenza isivumelwano noHulumeni noma abasebenzisa amandla omphakathi ukuba baqhubekise ukulingana—

- (a) ngokwamukela amapulani/amaphako okulingana, izindlela zokuziphatha, amasu okulungisa ngomthetho kanye nezinye izinyathelo ezifanele ukuqhubekisa ukulingana okusebenzayo emikhakheni lapho besebenza khona;

- (b) ngokuphoqelela nokuqapha ukuphoqelelwa kwamapulani okulingana, izindlela zokuziphatha namasu okulungisa ezi-thuthukiswe yibona; kanye
- (c) nangokwenza imibiko evamile kumagunya aqaphile aqondene noma izikhungo njengoba kungahlinzekwa kwizimisele, lapho kufanele khona.

27 Ukuzinikela kwabo bonke abantu abahlalisene ukuqhubekisa ukulingana

- (1) Ngokuvumelana nesigaba 26, bonke abantu, izinhlangano ezingekho kuHulumeni, izinhlangano ezikulowo mgwamanda nezikhungo zendabuko maziqhubekise ukulingana ebudlelwani bazo neminye imigwamanda nasemisebenzini yazo yomphakathi.
- (2) uNgqongqoshe makathuthukise izimisele eziqondene naloMthethonabanye oNgqongqoshe bangathuthukisa izimisele eziqondene neminye imithetho eyala izinkampani, inkampani enenani elincane lamalungu, inhlangano ehlangene, amaklabhu, izinhlangano zemidlalo, izinto eziyizinkampani nezinhlangano, lapho kufanele khona, ngendlela elingene nobukhulu bazo, izinsizo nethonya lazo, ukuba zilungise amapulani/amaphako okulingana noma zigcine izindlela zomkhuba wokuziphatha onqunyiwe noma zibike kumgwamanda noma isikhungo ngezinyathelo zokuqhubekisa ukulingana.

28 Izinyathelo ezingavamile zokuqhubekisa ukulingana maqondana nobuzwe, ubulili nomqhina

- (1) Uma kuqinisiwe ekubekweni kwanoma iliphi icala ukuthi ubandlululo olungalungile ngesizathu sobuzwe, ubulili nomqhina lwaba nengxenye olwayidlala ekwenzeni icala, lokhu makuthathwe njengesim esincokolozayo ngenhloso yokugweba.
- (2) iKhomshani yamaLungelo eSintu yaseNingizimu Afrika, embikweni wayo okubhekiswe kuwo kusigaba 15 soMthetho

weKhomishani yamaLungelo esintu, 1994 (uMthetho 54 ka 1994) makabandakanye inani elinqunyiwe elikhombisa ukuthi ubandlululo olungalungile ngesizathu sobuzwe, ubulili nomqhina luphikelela kangakanani eRipaliki, imiphumela yalo nezincomo zokuthi iyiphi indlela enhle kakhulu yokuxazulula izinkinga.

- (3) (a) uHulumeni, izikhungo ezenza imisebenzi yomphakathi kanye nabo bonke abantu banemfanelo nesibopho kakhulu—
- (i) ukususa ubandlululo ngesizathu sobuzwe, ubulili nomqhina;
 - (ii) ukuqhubekisa ukulingana maqondana nobuzwe, ubulili nomqhina.
- (b) Ekugcineni izimfanelo nezibopho okubhekiswe kuzo endimeni (a), uHulumeni izikhungo ezenza imisebenzi yomphakathi futhi, lapho kufanele khona futhi kuqndene, abantu ngeso lomthetho nokungebona abantu ngeso lomthetho—
- (i) mabenze ucwaningo lwemithetho, imigomo nemikhuba ngenhloso yokususa zonke izibonakalo zalo;
 - (ii) mabamise imithetho efanele, bathuthukise imigomo eqhubekayo futhi basungule izindlela nemikhuba yokuziophatha ukuze kuswe ubandlululo lwesizathu sobuzwe, ubulili nomqhina;
 - (iii) mabamukele umsebenzi ongenzeka wokuqala amapulani okuqhubekisa nokufeza ukulingana maqondana nobuzwe, ubulili nomqhina; futhi
 - (iv) makanike indawo esemqoka yokususwa kobandlululo olungalungile nokuqhubekisa ukulingana maqondana nobuzwe, ubulili nomqhina.

29 Uhlu olubonisa imikhuba engalungile emikhakheni ethile

- (1) Ngaphandle kokunciphisa kwimvama yezihlinzeko zaloMthetho, isheduli 1 kuloMthetho ihlose ukubonisa

nokugcizelela ethile imikhuba engalungile noma okungahle kube ayilungile, evamile nedinga ukulungiswa.

[Isigatshana (1) siqala ukusebenza mhlaka 1 September 2000.]

- (2) uHulumeni makalungiselele ukuthi izinyathelo zomthetho nezinye mazithathwe ukulungisa imikhuba okubhekiswe kuo kusigatshana (1)

[Usuku lokusebenza kwesigatshana (2) lusazomenyazelwa.]

- (3) uNgqongqoshe makanqume njalonjalo ukuqondana/ukuhlangana kwemikhuba equkethwe kwiSheduli 1 ngezinhlalo zokukhulisa, zokuguqula, zokuphendula noma ukususa imikhuba kwiSheduli 1, ngezincomo zeKomidi lokuBukeza ukuLingana.

[Isigatshana (3) siqala ukusebenza mhlaka 1 September 2000.]

- (4) iSheduli futhi ihlose ukuhlinzeka ngohlu olubonisa imibiko yobandlululo olungalungile noma okungahle lube ubandlululo olungalungile ukuze—

(a) lulungiswe futhi iqedwe imikhuba;

(b) kusizwe abantu ukuhumusha uyalo lwabo.

[Isigatshana (4) siqala ukusebenza mhlaka 1 September 2000.]

- (5) Uhlu olubonisa imikhuba kuSheduli 1 allona olokugcina/olonqamulayo juqu futhi lufanele lubhekwe futhi lubukezwe yiKomidi lokubukeza ukuingana njalonjalo.

[Isigatshana (5) siqala ukusebenza mhlaka 1 September 2000.]

Isahluko 6

IZIHLINZEKO EZIJWAYELEKILE NOKUGCWALISA UMTHETHO

30 Izimiselo

- (1) uNgqongqoshe angenza, futhilapha edinga khona njengoba kumi kanjalo, makenze izimiselo eziphathelele—

(a) namanla, izimfanelo nemisebenzi kamabhalane wenkantolo yokulingana;

(b) nezinqubo ezizolandelwa noma ezimaqondana nophe-nyo njengokuyala kwaloMthetho, kumbandakanya indlela amacala okufanele aqaliswe ngayo nokuthethwa kwezindaba eziphuthumayo, ukudluliswa kwezindaba

ezicatshangwe kwisigaba 20 nokuthethwa kwezindaba eziphuthumayo;

- (c) nokunika usizo lwecala kukhokha uHulumeni emacaleni afanele nokuboniswana neBhodi yoSizo loMthetho;
- (d) nokuvela kwabantu endaweni yabahlanganyeli emacaleni asenkantolo, okungambandakanya abantu abafanele ngaphandle kwabameli noma abameli basemajajini;
- (e) nokubekwa, amandla, izimfanelo nemisebenzi kamabhalane wenkantolo yokulingana;
- (f) nokubakhona kofakazi emacaleni avuka ekusebenzeni nokukhokha imali yofakazi;
- (g) nokuqinisa imiyalo yenkantolo evela ezinkantolo zeman-tshi ezihlala njengeZinkantolo zokulingana njengoba kucatshangwe kusigaba 19(3)(a);
- (h) nenqubo ezolandelwa nezilinganiso ezizosetshenziswa, ukukhonjwa nokubhaliswa kwabantu kumgwamanda wabantu abafanele nabatholakalayo ukusebenza njengabeluleki enkantolo yokulinganangayinye;
 - (i) nendlela ezolandelwa maqondana nokwabiwa kwabeluleki maqondana namacala ngokuyala kwalo noma ngaphansi kwaloMthetho;
- (j) nezinto okufanele zinazazelwe yinkantolo yokulingana lapho inquma noma ibize abeluleki ukuphatha ubulungiswa;
- (k) nokuthatha isifungo noma ukuqinisa kwabeluleki;
- (l) nendima yeziphathimandla ezongamele nenqub ezolandelwa emacaleni lapho inkantolo yokulingana isizwa abeluleki;
- (m) nokuhoxiswa kwabeluleki nenqubo ezolandelwa uma kwenzeka kubekhona lokho kuhoxiswa;
- (n) nendlela yokuziphatha yalabo beluleki namasu okuphoqelela indlela yokuziphatha, kumbandakanya ukuba necala komluleki noma uma isihlinzeko sendlela yokuziphatha sephulwe nguye;

- (o) nokwenza isu lokuvavanya noma iyiphi insolo noma isikhalo somluleki noma esibhekene nomluleki;
 - (p) nokuqeqesha abeluleki;
 - (q) nokukhokha izinkokhelo ezinqunyelwe abeluleki;
 - (r) nayiluphi olunye udaba oludinga ukunqunywa ukuze kulungiswe inkonzo yabeluleki ezinkantolo zokulingana;
 - (s) nezinqubo ezizolandelwa noma maqondana nokudluliswa noma ukubukeza njengoba kucatshangwe kusigaba 23;
 - (t) nemibiko ecacatshangwe kusigaba 25(3)(c) ne 26(c) nama-pulani okulingana acacatshangwe kusigaba 25(4)(b) ne (5)(a) kanye ne 27(2);
 - (u) nokuhunyushwa kwaloMthetho ngezilimi ezisemthethweni nokwabiwa kwawo okucatshangwe esigabeni 31(2)(b);
 - (v) namandla nemisebenzi yeKomiti lokubukeza ukuLingana elicacatshangwe kusigaba 33;
 - (w) nanoma iliphi udaba oludingekela noma oluvunyelwe ukunqunywa isimiselo ngaphansi kwaloMthetho;
 - (x) nanoma iluphi udaba oludinga ukunqunywa ukuze kufezwe izinjongo zaloMthetho.
- (2) Noma isiphi isimiselo esenziwe ngaphansi kwalesi sigaba esibangela uHulumeni incithakalo, masenziwe kuboniswana noNgqongqoshe wezeZimali.
 - (3) Isimiselo esenziwe ngaphansi kwalesi sigaba singahlinzeka ukuthi noma imuphi umuntu owephula isihlinzeko saso noma owehluleka ukusithobela uyobekwa icala kuthi ekuhlalweni ahlawuliswe noma aadonse inkathi engedlulile ezinyangeni eziyi-12;
 - (4) (a) Noma isiphi isimiselo esenziwe ngaphansi kwalesi sigaba masibekwe ezithebeni zePhalamende izinsuku ezingama-30 ngaphambi kokumenyenzelwa kwaso kwiGazethi uma iPhalamende ihlezi kulesoo sikhathi.
 - (b) Uma iPhalamende ingahlezi njengoba kucatshangwe kwindima (a), izimiselo maziyele kuSomlom wePhala-

mende, izinsuku ezingama-30 ngaphambi kokumenyenzelwa kwaso kuGazethi.

- (5) Izimiselo ezenziwe njengokuyala kwalesi sigaba, futhi kakhulu isigatshan (1)(a) asiphathelene nenqubo ophenyweni, mazi-lungiselele ukuthi ukusebenza kwaloMthetho kulula, kulungile futhi kuyathwaleka, njengoba kungenzeka.

31 Ukusebenza koMthetho

- (1) Nakuba kuchazwe ngokunye kwisigaba 16(1), alukho udaba oluyoqala enkantolo yokulingana ngaphandle uma kukhona ongamele inkantolo nomabhalane wenkantolo.
- (2) Ngezinhlalo zokuqinisekisa ukuthi umthetho usebenza ngokuphelele nokuthi wonke umuntu ufinyelele kuwo kalula—
- (a) futhi ukuze kugcwaliseke izinjongo zesigatshana (1), ama-jaji, izimantshi nezimantshi ezengeziwe, kanye nomabhalane bezinkantolo abachazwe kwisigatshana(1)—
- (i) bangaqokwa njengabasebenzi abongamele inkantolo; futhi
- (ii) bangaqokwa noma bajutshwe njengomabhalane benkantolo, kwinkantolo eyodwa noma ngaphezulu;
- (b) uNgqongqoshe kumele asakaze lomthetho ngazo zonke izilimi ezisemthethweni kungakapheli iminyaka emibili kuphasiswe loMthetho.
- (3) uMqondisi-Jikelele kumele athathe zonke izinyathelo ezifanele ngezinsiza anazo ukuqinisekisa ukuthi inkantolo yokulingana ngayinye kwiRipabliki inomabhalane oyedwa okungenani.
- (4) uMengameli wamaJaji kumele ebambisene neKhomishani engamele amaJaji kanye neKhomishani emele iziMantshi, basungule uhlelo loqeqesho ngenhloso yokukhiqiza abazongamela izinkantolo ngokuzimisela, abaqeqeshwe ngokwanele nabanesipiliyoni esifanele, ngokuthi—

- (a) baqeqeshe abazongamela izinkantolo ngezindlela zokuphila kwemiphakathi; futhi
- (b) babuye bahlinzeke ngezindlela, izinqubo namazinga afanayo okumele alandelwe yilabo abongamele izinkanolo zokulingana ngenkathi besebenza babuye basebenzise amandla abawanikiwe.
- (5) uMengameli wamaJaji, ebambisene neKhomishani engamele amaJaji knaye neKhomishani emele iziMantshi kanye noN-gqongqoshe, kumele baqinisekise ukuhlinzekwa koqeqesho oluchazwe kwisigatshana (4).
- (6) uMqondisi-Jikelele kuMnyango kumele asungule uhlelo lokuqeqesha omabhalane bezinkantolo ukuze kukhiqizwe omabhalane abasebenza ngokuzimisela, abaqeqeshwe ngokwanele nabanesipiliyoni esifanele, ngokuthi—
- (a) kuqeqeshwe omabhalane ngezindlela zokuphila kwemiphakathi; futhi
- (b) kubuye kuhlinzekwe ngezindlela, izinqubo namazinga afanayo okumele alandelwe ngomabhalane bezinkantolo zokulingana ngenkathi beqhuba umsebenzi wabo.
- (7) uNgqongqoshe kumele athule umbiko phambi kwePhalamende njengoba kunqunyiwe, oqondene nokuqekethwe kanye nendlela oluqhutshwa ngayo uqeqesho oluchazwe kwisigatshana (4) no (5).

[Isigaba 31 siguqulwe isigaba 3 somthetho 52 ka 2002 kusukela mhlaka 15 January 2003.]

Isahluko 7

UKUBUKEZA UMTHETHO, ISIHLOKO ESIFINGQIWE NOKUQALA

32 Ukumisa iKomiti lokuBukeza ukuLingana

uNgqongqoshe makamise ngokushesha iKomiti lokuBukeza ukuLingana ngenothi kuGazethi, ekumemezeleni kwaloMthetho bese ebeka amalungu, elibunjwe—

- (a) isiphathimandla sokwehlulela esikhulu esinezimfanelo ezifanele;

- (b) uSihlalo weKhomishani yamaLungelo eSintu yaseNingizimu Afrika;
- (c) uSihlalo weKhomishani yokuLingana koBulili;
- (d) umkhulumeli womphakathi ongekho kwezempi;
- (e) ingcweti emkhakheni wamalungelo esintu, kakhulu ilungelo lokulingana;
- (f) ilungu lesiGungu sikaZwelonke;
- (g) ilungu loMkhandlu kaZwelonke weZifundazwe.

33 *Imisebenzi nesikhathi sokuphatha seKomiti lokuBukeza ukuLingana*

- (1) IKomiti lokuBukeza ukuLingana—
 - (a) maleluleke uNgqongqoshe ngokusebenza kwaloMthetho;
 - (b) maleluleke uNgqongqoshe ngemithetho enethonya ekulinganeni;
 - (c) mayiyise imibiko evamile kuNgqongqoshe ngokusebenza kwaloMthetho efanele iqhakamise noma izinjongo zoMthetho nezoMthethosisekelo zifeziwe futhi mayenze izincomo noma ngaziphi izichibiyelo ezidingekile kuMthetho zokwenza ngcono ukusebenza;
 - (d) lineminye imisebenzi namandla njengoba kunqunyiwe.
- (2) iKomiti lokuBukeza ukuLingana lingaphatha umsebenzi walo nokwenzekayo emihlanganweni yalo njengoba libona kufanele;
- (3) amalungu eKomiti lokuBukeza ukuLingana okubhekiswe kuwo kusigaba 36(a), (d) no (e) abekwa inkathi eyiminyaka emihlanu futhi angabuye aphinde abekwe ekupheleni kwesikhathi sabo sokuphatha isikhundla.
- (4) Ezinye izivemelwano nemibandela yokubekwa kwamalungu eKomiti lokuBukeza ukuLingana zinjengoba zinqunyiwe.
- (5) Umsebenzi wokuphatha ohlangene nokwenza imisebenzi yeKomiti lokuBukeza ukuLingana ufanele wenziwe iziphathimandla ezikhonjwe nguMqondisi-Jikelele woMnyango.
- (6) Amalungu eKomiti lokuBukeza ukuLingana anelungelo kulowo mvuzo, izinkokhelo ezinqunyiwe kanye nezinye izi-

pho zesihle njengoba zinganqunywa nguNgqongqoshe wezeZimali.

34 Isiyalelo somgomo kusandulela ngculazi/ingculazi, ukuma kwesakhamuzi/isizwe, ukuma kwezomnotho kwezokuhlalisana nesibopho somndeni nokuma

- (1) Ngenxa yobufakazi obudlangile obumqoka, ithonya kumphakathi nokuhlangana kokumisa kabi nobandlululo oluhleliwe ngezizathu zokuma kwesandulela ngculazi/ingculazi, ukuma isibopho somndeni nokuma komndeni—
 - (a) ububhka okungavamile okuholela ekumbandakanyweni kwalezi zizathu kundima (a) yencazelo yezizathu ezinqatshelwe makwenziwe nguNgqongqoshe;
 - (b) iKomiti mayiphenye bese yenza izincomo ezidingekayo kuNgqongqoshe ngaphakathi konyaka owodwa.
- (2) Akukho lutho kulesi sigaba—
 - (a) okuthinta isikhundla samandla omthetho esivamile senkantolo sokunquma imibango engaxazululwa ngokusebenza komthetho kulezi zizathu;
 - (b) oluvimbela ummangali ukuqalisa icala kunoma yiziphi zalezi zizathu enkantolo yomthetho;
 - (c) oluvimbela inkantolo ekunqumeni ukuthi lezi zizathu zibandakanyiwe kwesisodwa noma kwezingaphezulu izizathu maqondana nendima (b) yencazelo “izizathu ezinqatshelwe” noma kwesisodwa noma kwezingaphezulu izizathu ezibhalwe kundima (a) yencazelo “izizathu ezinqatshelwe”.

35 Isihloko esifingqiwe nokuqala

- (1) LoMthetho ubizwa ngokuthi uMthetho wokuQhibekisa ukuLingana nokuVimbela uBandlululo Olungalungile, 2000, futhi uqala ukusebenza ngosuku olunqunywe nguMongameli ngesazio kuGazethi.
- (2) Izinsuku ezahlukele zinganqunywa mayelana nezihlinzeko ezahlukele zaloMthetho.

Isheduli 1

IMIKHUBA ENGALUNGILE

1 Umsebenzi Nokusebenza

- (a) Ukudala imigoqo yokuzenzisa/engeyiyo ekufunyanisekekni okulinganayo ngokusebenzisa izinqubo ezithile zokubutha nokukhetha maqondana namathuba omsebenzi.
- (b) Ukusebenzisa ukusetshenziswa kwamandla omsebenzi, ukuthuthukisa, ukukhushulwa esikhundleni nemikhuba yokugcina ebandlulula ngokungalungile abantu abakumgoqo akhonjwe izizathu ezinqatshelwe.
- (c) Ukwehluleka ukuhlonipha umgomo weholo elilinganayo emsebenzini olinganayo.
- (d) Ukwenza iholo elingalingani elehlukanisayo elisukela obandlululweni olungalungile lingapheli.

2 Imfundo

- (a) Ukusilalisa abantu ngokungalungile kuzikhungo zemfundo, kumbandakanya abafundi abanezidingo ezingavamile.
- (b) Ukugodla imifundaze, amabhasali, noma iluphi olunye uhlobo losizo kubafundi abakumaqoqo athile akhonjwe izizathu ezinqatshelwe.
- (c) Ukwehluleka ngokufanele nangokwenza ukulungisela ukungefani emfundweni.

3 Izinkonzo zokunakekela ngempilo nezipho zesihle

- (a) Ukwenza izilingo zesayensi kubantu ngaphandle kwemvume yabo elumukile.
- (b) Ukwalela ngokungalungile noma ukunqabela noma imuphi umuntu ukufunyaniseka kwezimfanelo zokunakekela ngempilo noma ukwehluleka ukwenza izimfanelo zokunakekela ngempilo zifunyaniseke kunoma imuphi umuntu.
- (c) Ukwenqaba ukwelapha ngemithi okuphuthumayo/engozini kubantu bamaqoqo athile abakhonjwe ngesisodwa noma ngaphezulu zezizathu ezinqatshelwe.

(d) Ukunqaba ukuhlinzeka ngokufanele abadala ngezinkonzo zempilo.

4 Izindlu, indawo yokuhlala nokulala, umhlaba nempahla

(a) Ukukhipha abantu endlini ngokunganaki-mthetho/ngokufohlaza kwesisodwa noma ngaphezulu zezizathu ezinqatshelwe.

(b) “Ukudwebela umugqa obomvu” ngesizathu sobuzwe nokuma kwezokuhlalisana.

(c) Ukubandlulula ngokungalungile ngokuhlinzeka ngebhondi yezindlu, imali yokwebolekwa noma usizo lwemali olusekellewe kubizwe, ubulili noma ezinye izizathu ezinqatshelwe.

(d) Ukwehluleka ngokufanele ukulungisela izidingo ezingavamile zabadala.

5 Izinkonzo zomshwalense

(a) Ukwenqaba nokungalungile kwesisodwa noma ngaphezulu zezizathu ezinqatshelwe ukuhlinzeka noma ukwenza ipholisi yomushwalense litholakakle kunoma imuphi umuntu.

(b) Ukubandlulula okungalungile ekuhlinzekeneni ngeziphos zezihle, izimfanelo nezinkonzo eziphathelele nomushwalense.

(c) Ukumisa kabi umuntu noma abantu ngokungalungile, kumbandakanya ngokungalungile noma ngokungafanele ukunqaba ukunika izinkonzo kubantu ngoba nje isisekelo kuwukuma KWESANDULELA NGCULAZI/INGCULAZI.

6 Izimpesheni

(a) Ukusilalisa noma imuphi umuntu kubulungu besikhwama somhlalaphansi ngokungalungile noma ekwamukeleni noma isiphi isipho sesihle esikhwameni kwesisodwa noma kwezinqatshelwe.

(b) Ukubandlulula ngokungalungile amalungu noma abamukeli besikhwama somhlalaphansi.

7 Izinhlango zokuphathisana

(a) Ukunquma ngendlela ebandlululla ngokungalungile ukuthi ubani ofanele ukubam umhlanganyeli enhlananweni yokuphathisana pkukhulunywa ngayo.

- (b) Ukugidlela izivumelwano noma imibandela engalungile nebandlululayo umuntu amenywa ngaphansi kwayo noma angeniswa ngayo ukuba umhlanganyeli.

8 *Imisebenzi eqeqeshelwe nemigwamanda*

- (a) Ukugidlela imibandela ebekela umncele ngokungalungile noma ukwalela abantu abakumaqoqo ajiyezekile ukungena emsebenzini oqeqeshelwe.
- (b) Ukubekela umncele ngokungalungile noma ukwalela amalungu ukufunyaniseka kwezipho zesihle noma izimfanelo ngenxa yesizathu esinqatshelwe.

9 *Ukuhlinzeka ngezimpahla/izinto, izinkonzo nezimfanelo*

- (a) Ukunqaba ngokungalungile noma ukwehluleka ukuhlinzeka ngezimpahla/izinto noma izinkonzo noma ukwenza izimfanelo zitholakale kunoma imuphi umuntu noma iqoqo labantu kwesisodwa noma ngaphezulu zezizathu ezinqatshelwe.
- (b) Ukugidlela izivumelwano, imibandela noma imikhuba eyenza imikhokha yobandlululo olungalungile olwedlule ingapheli noma ukusilalisa maqondana nokufunyaniseka kwezinsizo zemali.
- (c) Ukubekela umncele ekufunyanisekeni kwamathuba ezinkontileka zokunika izimpahla nezinkonzo.

10 *Amaklabhu, imidlalo nezihlangano*

- (a) Ukunqaba ngokungalungile ukubheka isicelo somuntu sobulungu benhlangano noma iklabhu nganoma iziphi izizathu ezinqatshelwe.
- (b) Ukwalela ngokungalungile ilungu ukufunyaniseka, noma ukubekela umncele ilungu ukufunyaniseka kwanoma isiphi isipho sesihle esihlinzekwe inhlangano noma iklabhu.
- (c) Ukwehluleka ukuqhubekisa ukungefani ekukhetheni amadlanzi/amathimu amele.