

ISAHLUKO 11

ZOKUPHEPHA

linkambisolawulo Ezilawulako

198. linkambisolawulo ezilandelako ilawula zokuphepha kweNarha ngaphakathi kweRiphabliki:
- (a) ukuphepha kweNarha kumele kutjengise ukuzibopha kwamaSewula Afrika, ngokwehlukana kwawo kodwana basitjhaba sinye, ukuphila nje ngabantu abalinganako, baphile ngokuthula, nangaphandle kokwesaba, ukutlhoga nokufuna ipilo engcono.
 - (b) isibopho sokuphila ngokuthula nomusa sivimbela nanyana ngimuphi umuntu osisakhamuzi seSewula Afrika ekuzibandakanyeni ngaphakathi kwenturhu yeenkhali, ngaphakathi kweNarha namkha emaphasini wangaphandle, ngaphandlekwangendlela enikelwe ngokuya komThethosisekelo namkha umThetho weNarha.
 - (c) ikuphepha kwenarha kufanele kulandelwe ngokukhambisana nomThetho, okufaka hlangana nomThetho wamazwe.
 - (d) ukuphepha kwenarha kuzakulawulwa ngaphasi kwePalamende neKhabinedi.

Ukusungulwa, Ukwakhiwa Nokuziphatha Kwamaziko Wezokuphepha

199. (1) Amaziko wezokuphepha weRiphabliki akhiwa libutho lezokuvikela elilodwa, amaziko wezesipholisa nawezobuhloli asungulwe ngokuya komThethosisekelo.
- (2) Ibuthe lezokuvikela ngilo kwaphela ibutho elisemthethweni ngaphakathi kweRiphabliki.
- (3) Ngaphandle kwamaziko wezokuphepha asungulwe ngokuya komThethosisekelo, iinhlangotho ezihlome ngeenkhali namkha imisebenzi, ingasungulwa kwaphela ngokuya komThetho weNarha.
- (4) Amaziko wezokuphepha kumele asungulwe begodu akhiwe ngokuya komThetho weNarha.
- (5) Imaziko wezokuphepha kumele asebenze begodu afundise begodu abawe amalungawo bona asebenze ngokuya komThethosisekelo nomThetho okufaka hlangana umThetho wamazwe neemvumelwano zeentjhabatjhaba ezibopha iRiphabliki.

- (6) Alikho ilunga lananyana ngiliphi iziko lezokuphepha okumele lithobele isiqunto okusepepeneni bona asikho emthethweni.
- (7) Nanyana kungaba maziko wezokuphepha namkha ngimaphi amalungawo okungezeka bona ekwenzeni imisebenzabo—
 - (a) bakhubaze iinrhuluphelo zeenhlango zezombanganarha ezivunyelwa mThetho ngokuya komThethosisekelo; namkha
 - (b) baragele phambili ngendlela esekelako nanyana ngiliphi irhuluphelo lehlango yezombanganarha.
- (8) Ukuphumelelisa iinkambisolawulo zokwenza izinto bupepenene begodu nangobuziphendulelo, amaKomidi wePalamende ahlonwe linengi leenhlango, kumele abeke ilihlo phezu kwamaziko wezokuphepha ngendlela ebekwe mThetho weNarha namkha imilayo nemiyalo yePalamende.

Zokuvikela

IButho LezokuVikela

200. (1) IButho lezokuVikela kumele lijanyiswe belilawulwe njengeButho lezokuVikela eliziphethe kuhle.
- (2) Umsebenzi oqakatheke khulu weButho lezokuVikela kujamela nokuvikela iRiphabliki, inarha yoke elingaphakathi kwayo nabantu bayo ngokuya komThethosisekelo neenkambisolawulo zomThetho weentjhabatjhaba olawula ukusetjenziswa kwamandla.

Isibopho Sezombanganarha

201. (1) Ilunga leKhabinedi kumele libe nesibopho sezevikeleko.
- (2) NguMongameli kwaphela, njengeHloko yesiGungu seNarha, ongagunyaza ukusetjenziswa kwaButho lezokuVikela—
 - (a) ekusebenzisaneni nezesipholis;
 - (b) ekuvikeleni iRiphabliki; namkha
 - (c) ekufezekiseni iimbopho zeentjhabatjhaba.
- (3) Nangabe ibutho lezokuphepha lisetjenziselwe nanyana ngisiphi isizathu esitjhiwo esigatjaneni (2), uMongameli kumele azise iPalamende msinya nangokuzeleko ngalokhu —

- (a) amabanga wokusetjenziswa kweButho lezokuVikela;
 - (b) ngananyana ngiyiphi indawo lapha iButho lezokuVikela lisetjenziswa khona;
 - (c) inani labantu abasetjenziswako; begodu
 - (d) nesikhatheso iButho lezokuVikela okulindwe ngaso bona lisetjenziswe.
- (4) Nangabe iPalamende ayihlali ngaphakathi kwamalanga alikhomba emva kokusetjenziswa kweButho lezokuVikela ngendlela okutjihiwo ngayo kusigatjana (2), uMongameli kumele ethule umbiko othhogekako esigatjaneni 3 kukomidi elawulako.

Ilawulo LeButho LezokuVikela

202. (1) UMongameli njengeHloko yesiGungu seNarha, umLawuli-oyiHloko weButho lezokuVikela, begodu kumele anikele umLawuli weButho lezokuVikela umsebenzi.
- (2) Ilawulo leButho lezokuVikela kumele lisetjenziswe ngokuya kwengqophiso yelunga leKhabinedi elinesibopho sezokuvikeleka ngaphasi kwelawulo kaMongameli.

Ubujamo BokuVikela INarha

203. (1) UMongameli angamemezela ubujamo bokuvikela inarha begodu kumele azise iPalamende msinya nangokuzeleko—
- (a) amabanga wesimemezelolo;
 - (b) nanyana kukuphi lapha iButho lezokuPhepha lithunjelwe khona; begodu
 - (c) nenani labantu ababandakanyekako.
- (2) Nangabe iPalamende ayihlali lokha ubujamo bokuvikela inarha bumenezelwa, uMongameli kumele abizele iPalamende emhNganweni okhethekileko ngaphakathi kwamalanga alikhomba kusukela ngelanga lesimemezelolo.
- (3) Isimemezelolo sobujamo bokuvikela inarha siphelwa sikhathi ngaphandle nangabe sivunyelwa yiPalamende ngaphakathi kwamalanga alikhomba kusukela ngelanga lesimemezelolo.

UNobhala Womphakathi Kwezokuphepha

204. UNobhala womphakathi weButho lezokuVikela kumele lisungulwe mThetho weNarha ukwenzela bona isebenze ngaphasi kwelawulo lelunga leKhabinedi elinesibopho sezokuphepha.

AmaPholisa

Imisebenzi YobuPholisa

205. (1) Imisebenzi yobuPholisa beNarha kumele ijanyiswe ngendlela ezakusebenza eNarheni zombebele, eemFundeni, nalapha kufaneleko, emazingeni kaRhulumende wemaKhaya.
- (2) UmThetho weNarha kumele usungule amandla nemisebenzi yobuPholisa begodu kumele ubonelele bona imisebenzi yobuPholisa ikghone ukufeza iimbopho zawo ngekghono, nokutjhejwa kweendingo zeemFunda
- (3) Iminqopho yemisebenzi yobuPholisa kuvimbela, ukuqeda begodu nokuphenyisisa ubulelesi, ukuletha ukuthula emphakathini, ukuvikela nokuqinisekisa abakhi beRiphabliki nepahla yabo, ukulonda nokukatelela umThetho.

Isibopho Sezombanganarha

206. (1) Ilunga leKhabinedi kumele lizibophelele kwezobuPholisa, begodu kumele libeke umthethokambiso wezobuPholisa beNarha emva kokuthintana nemibuso yeemfunda begodu nokutjheja iindingo zeemFunda.
- (2) UmThethokambiso weNarha wezobuPholisa ungenza iinqalelelo zemithethokambiso eyahlukahlukeneko manqophana neemFunda ezahlukeneko ngemva kokutjheja iindingo zobuPholisa nezinto eziqakathekileko kunezinye zeemFundezo.
- (3) IsiFunda ngasinye sinelungelo—
- lokubeka ilihlo ngokuziphatha kwezobuPholisa;
 - ukubeka ilihlo, okufaka hlangana ukwamukela imibiko malungana nekghono lemisebenzi yezobuPholisa;
 - ukwenyula izinga letjhebiso hlangana nezobuPholisa nomphakathi;
 - ukulinganisa ikghono elifikelelwa ngezobuPholisa obubonakalako; begodu
 - lokuthintana nelunga leKhabinedi eliziphendulela kwezobuPholisa nokwenza iimpakamiso manqophana nobulelesi ngaphakathi kwesiFunda.
- (4) IsiGungu sesiFunda esinesibopho semisebenzi yobuPholisa—
- esithweswe yona siSahlukwesi;
 - esinikelwe yona mThetho weNarha; begodu
 - esinikelwe yona ngokomthethokambiso wenarha wezobuPholisa.

- (5) Ukwenzela bona akwazi ukwenza imisebenzi etjihiwo esigatjaneni (3); isiFunda—
 - (a) singaphenya, namkha sibeke iKomitjhini yePhenyo bona iphenye iinghonyayo ezitjhoko bona amapholisa akasebenzi kuhle namkha ukungakhambisani kuhle hlangana namaPholisa nomphakathi othileko; begodu
 - (b) kumele yenze iimphakhamiso elungeni leKhabinedi elinesibopho sezobuPholisa.
- (6) ekwamukelweni kweenghonyayo ezethulwe siGungu sesiFunda, igatja lobuPholisa leenghonyayo elizijameleko elisungulwe mThetho weNarha kumele liphenye nanyana ngikuphi ukungasebenzi kuhle, namkha ubulelesi obenziwe lilunga lezobuPholisa esiFundeni.
- (7) UmThetho weNarha kumele ubonelele ipahlala lokusungulwa, amandla, imisebenzi nokulawulwa kwezobupholisa bendawo.
- (8) Ikomidi ebutjwe lilunga leKhabinedi namalunga wesiGungu somKhandlu weemFunda okumele lisungulwe ukwenzela bona libonelele ukusebenzisana kwezobuPholisa nokuthintana hlangana kwamazinga wombuso.
- (9) IsiBethamthetho sesiFunda singabawa uKomitjhinaro wamaPholisa wesiFunda bona aveli ngaphambi kwananyana ngiyiphi ikomidi yaso ukuzokuphendula iimbuzo.

ILawulo Lezobupholisa

207. (1) UMongameli, njengeHloko yesiGungu seNarha kumele afake emsebenzini umuntu onguMma namkha uBaba bona abe nguKomitjhinaro weNarha Zombebele wezobuPholisa bona alawule begodu apha the imisebenzi yobuPholisa.
- (2) UKomitjhinaro weNarha Zombebele kumele asebenzise amandla apha the imisebenzi yobuPholisa ngokuya komThethokambiso yobuPholisa yeNarha neenqophiso ezibuya elungeni leKhabinedi elinesibopho sokusebenza kobuPholisa.
- (3) UKomitjhinaro weNarha Zombebele, ngokuzwana nesiGungu sezokuPhatha sesiFunda kumele abeke esikhundleni uMma namkha uBaba njengoKomitjhinaro wesiFundeso, kodwana nangabe uKomitjhinaro weNarha Zombebele nesiGungu sesiFunda abakghoni ukuzwana ngalowo okumele anikelwe umsebenzi, lilunga leKhabinedi elinesibopho sezobupholisa kumele libe ngumlamuli kilokho.

- (4) AboKhomitjhinara besiFunda banesibopho sezobuPholisa eemFundeni zabo—
 - (a) njengombana kujanyiswe mThetho weNarha; begodu
 - (b) Ngokulawulwa mamandla kaKomitjhinara weNarha Zombebele ngale kokuphatha imisebenzi yobuPholisa ngokuya kwesigatjana (2).
- (5) UKomitjhinara wesiFunda kumele bona njalo ngonyaka abikele isiBethamthetho sobupholisa besiFundeni, begodu kumele athumele iKhophi yombiko kuKomitjhinara weNarha Zombebele.
- (6) Nangabe uKomitjhinara wesiFunda angasathenjwa siGungu sesiFunda, isiGungweso singabeka indlela efaneleko yekambiso yokususwa namkha ukutjhidiswa namkha ukuthathwa kwegadango lokukhalima uKomitjhinara lowo ngokuya komThetho weNarha.

Unobhala Womphakathi Wezobupholisa

208. Iqatja labuNobhala bomphakathi kwezobupholisa kumele lisungulwe mThetho weNarha bona lisebenze ngaphasi kwelawulo lelunga leKhabinedi elinesibopho sezobuPholisa.

UbuHloli

Ukusungulwa Nelawulo Lemisebenzi YezobuHloli

209. (1) Nanyana ngimuphi umsebenzi wezobuHloli, ngaphandle kwananyana ngiyiphi enye ingcinye yebutho lezokuvikela, namkha umsebenzi wezobupholisa, ungasungulwa kwaphela nguMongameli njengeHloko yesiGungu seNarha, begodu nangokuya komThetho weNarha.
- (2) UMongameli, njengeHloko yesiGungu seNarha kumele aqatjhe uMma namkha uBaba njengeHloko yomunye nomunye umsebenzi wezobuHloli osungulwe ngokuya kwesigatjana (1), begodu kumele abe nobuzibophelelo bezombanganarha ukwenzela ukulawula nokuphatha nanyana ngimuphi wemisebenzi leyo, namkha akhombe ilunga leKhabinedi ukuthatha ubuzibophenlelo.

Amandla, Imisebenzi Nokubeka Ilihlo

210. UmThetho weNarha kumele ulawule iminqopho; amandla nemisebenzi yezobuHloli, okufaka hlangu nanyana ngiyiphi ingcenywe yezobuHloli bebutho lezokuvikela namkha yezobuPholisa; begodu kumele ubonelele—
- (a) ukuthintanisa kwayo yoke imisebenzi yezobuHloli; begodu
 - (b) nokubeka ilihlo Mphakathi phezu kwemisebenzi leyo eyenziwa mHloli oqatjhwwe nguMongameli njengeHloko yesiGungu seNarha, begodu avunyelwe ngesiqunto esemukelwe okungasenani buncani besibili esithathwini bamalunga wesiBethamthetho seNarha.