

SEHLUKO 11

TEKUVIKELA

Imigomosisekelo lebusako

198. Lemigomosisekelo lelandzelako ibusa tekuvikelwa kwelive eRiphabhulikhi -
- (a) kuvikelwa kwavelonkhe, kumele kubonakalise kutinikela kwabo bonkhe bantfu baseNingizimu Afrika, kwemuntfu ngamunye nesive sonkhe, kutsi baphile ngendlela yekulingana, bahlale ngekuthula nangekuvana, bangabi neluvalo nekweswela, futsi bafune imphilo lencono.
 - (b) Kutimisela kuhlala ngekuthula kuvimbela Sonkhe sakhhamuti seNingizimu Afrika ekungeneleni kuhlonyiwe noma ngekhatsi noma ngaphandle kwaleli, ngaphandle njengoba kubeka uMtsetfosisekelo noma umtsetfo wavelonkhe.
 - (c) Kuvikelwa kwavelonkhe kumele kwentiwe ngekulandzela umtsetfo lokufaka ekhatsi nemtsetfo wemave emhlaba.
 - (d) Kuvikelwa kwavelonkhe kungaphasi kweligunya lePhalamende kanye neSigungu savelonkhe lesengamele.

Kusungulwa, kuhlelwa kanye nekutiphatsa kwemibutfo yetekuphepha

199. (1) Imibutfo yetekuphepha eRiphabhulikhi ibunjwe ngembutfo munye wetekuvikela, umbutfo munye wetebuphoyisa kanye naleminy e imibutfo yetebunhloli, lesungulwe ngekulandzela uMtsetfosisekelo.
- (2) Umbutfo wetekuvikela ngiwo wodvwa umbutfo wetemphi losemtsetfweni eRiphabhulikhi.
- (3) Ngaphandle kwemibutfo yetekuphepha lesungulwe ngekulandzela uMtsetfosisekelo, tihlangano letiphatsa tikhali noma lokunye lokusebenta loko tingasungulwa ngekulandzela umtsetfo wavelonkhe.
- (4) Imibutfo yetekuphepha kumele ihlelwe futsi iphatfwe ngumtsetfo wavelonkhe.
- (5) Imibutfo yetekuphepha kumele yente futsi kumele ifundzise iphindze iphococele kutsi emalunga ayo ente njengoba kuphococelela uMtsetfosisekelo kanye nemtsetfo, lokufaka ekhatsi umtsetfo wenzabuko kumhlabawonkhe kanye netivumelwano temave emhlaba letibopha iRiphabhulikhi.

- (6) Alikho lilunga lanoma ngumuphi umbutfo wetekuphepha lokumele lilalele umyalo lokucace ngalokuphelele kutsi uphambane nemtsetfo.
- (7) Kute umbutfo wetephepha noma linye lemalunga alombutfo, ekwenteni imisebenti yabo –
 - (a) labangakhinyabeta tinhloso telicembu letembusave lelisemtsetfweni ngekwetsetfosisekelo; noma
 - (b) labangachubela embili, ngendlela yekwesekela, noma tiphi tinhloso telicembu linye letembusave.
- (8) Kuniketa kuciniseka kwemgomosisekelo wekusebenta lokungenamfihlo nekusebentela bavoti, emakomiti emacembu etembusave onkhe lasephalamende kumele abeke liso kuyo yonkhe imibutfo yetekuphepha ngendlela lebekwe mtsetfomgomo netibopho tePhalamende.

Tekuvikela

UMbutfo weTekuvikela

200. (1) Umbutfo weTekuvikela kumele uhlelwe futsi uphatfwe njengembutfo wetemphi lohloniphako.
- (2) Inhloso lenkhulu yembutfo wetekuvikela kulwela nekuvikela iRiphabhulikhi, kuvikela iminyele yayo, kanye nebantfu bayo ngekulandzela uMtsetfosisekelo nemigomosisekelo yemtsetfo wemave emhlaba lecondzisa kusetjentiswa kwekulwa.

Kutiphendvulela ngetembusave

201. (1) Lilunga leKhabhinethi kumele liphatse umbutfo wetekuvikela.
- (2) NguMengameli kuphela, njengenhloko yeSigungu lesengamele, longaniketa emandla ekusetjentiswa kwembutfo wetekuvikela -
 - (a) ngekubambisana nembutfo wetebuphoyisa;
 - (b) kuvikela iRiphabhulikhi; noma
 - (c) kuphumelelisa sibopho semave emhlaba
- (3) Uma ngabe umbutfo wetekuvikela usetjentiselwa noma ngabe nguyiphi inhloso lephawulwe esigatjaneni (2), Mengameli kumele abikele iPhalamende ngekusheshisa futsi nangemininingwane leyenele -

- (a) ngetizatfu tekusebentisa lombutfo;
 - (b) ngendzawo noma kuphi lapho lombutfo usetjentiswa khona;
 - (c) ngelinani lebantfu labatsintsekako; kanye
 - (d) nebudze besikhatsi lekubhekeke kutsi usicitse kuleyo ndzawo lombutfo.
- (4) Uma ngabe iPhalamende ingahlangani emuva kwemalanga lasikhombisa lombutfo ubekiwe kutsi usebente ngekwesigatjana (2), Mengameli kumele anikete ikomiti lefanele imininingwane ledzingekile esigatjaneni (3).

Kukhutwa kwembutfo wetekuvikela

202. (1) Mengameli njengenhloko yeSigungu lesengamele unguMekhuti loMkhulu wembutfo wetekuvikela, futsi kumele abeke Khomanda wetemphi walombutfo wetekuvikela.
- (2) Kukhutwa kwembutfo wetekuvikela kumele kwentiwe ngekulanzela indlela lebekwe lilunga leKhabhinethi leliphetse temphi, ngaphasi kweligunya laMengameli.

Simo sekuvikelwa kwavelonkhe

203. (1) Mengameli njengenhloko yeSigungu lesengamele angabeka simo sekuvikelwa kwavelonkhe, futsi kumele abikele iPhalamende ngekusheshisa anikete nemininingwane leyenele –
- (a) ngetizatfu talokubekwa kwalesimo;
 - (b) ngendzawo noma kuphi lapho lombutfo usetjentiswa khona; kanye
 - (c) nangesibalo sebantfu labatsintsekako.
- (2) Uma ngabe iPhalamende ingahlangani uma kubekwa lesimo sekuvikelwa kwavelonkhe, Mengameli kumele abite iPhalamende kutsi ite emhlanganweni lophutfumako kungakapheli emalanga lasikhombisa sibekiwe lesimo.
- (3) Kubekwa kwesimo sekuvikelwa kwavelonkhe kuphelelwa sikhatsi ngaphandle uma ngabe kuvunye yiPhalamende kungapheli emalanga lasikhombisa kubekiwe.

Lihhovisi letebubhalane lebantfu labangekho embutfweni

204. Lihhovisi letebubhalane lebantfu labangekho embutfweni kumele lisukunywise ngekwenwemsetfo wavelonkhe ngaphasi kwesandla selilunga leKhabhinethi leliphetse tekuvikela.

Tebuphoyisa

Umbutfo wetebuphoyisa

205. (1) Umbutfo wetebuphoyisa kumele uhlelwe ngendlela yokutsi usebente emikhakheni yavelonkhe, yetifundza kanye, uma ngabe kufanele, nakuhulumende wasekhaya.
- (2) Umtsetfo wavelonkhe kumele usungule emandla nemisebenti yembutfo wetebuphoyisa futsi wente kutsi umbutfo wetebuphoyisa ukwazi kuyenta kahle imisebenti yawo, kuye nangetidzingo tetifundza.
- (3) Tinhloso tembutfo wetebuphoyisa kuvimbela, kulwa kanye nekuphenya ngebugebengu, kugcina kusebenta kwemtsetfo emmangweni, kugcina umtsetfo, nekuvikela nekuphephisa bantfu labahlala eRiphabhulikhi kanye nemphahla yabo nekuhlonipha kanye nekucindzela kusebenta kwemtsetfo.

Kutiphendvulela ngetembusave

206. (1) Lilunga leKhabhinethi kumele liphatse umsebenzi wetekuvikelwa ngemaphoyisa futsi libeke inchubomgomo yavelonkhe yetekuvikelwa ngesiphoyisa ngemuva kwekuhlolisana nabohulumende betifundza kanye nekutsi kulandzelwe netidzingo tetifundza njengoba tinconywe tigungu letengamele tetifundza.
- (2) Inchubomgomo yetebuphoyisa yavelonkhe ingenta tiphakamiso ngetinchubomgomo letehlukene ngekwehlukana kweTifundza emuva kwekubuketa tidzingo tekuvikelwa ngebuphoyisa nalokumcoka kwaletifundza.
- (3) Sifundza ngasinye sineligunya –
- lekugadza kutiphatsa kwemaphoyisa;
 - lekubeka liso ekusebenteni lokunemandla nalokunemphumelelo kwembutfo wetekuvikela, lokufaka ekhatsi kwemukela imibiko ngembutfo wetekuvikela;
 - kutfutukisa budlelwano lobuhle emkhatsini kwemaphoyisa kanye nemmango;
 - kuphenya imphumelelo lebonakalako yekuvikelwa kwemiphakatsi ngulombutfo; kanye
 - nekuchumana nelilunga leKhabhinethi leliphetse tekuvikelwa ngumbutfo wetekuvikela mayelana nebugebengu nekuvikelwa kweTifundza.

- (4) Sigungu sesifundza lesengamele setfwele umtfwalo wemisebenti yemaphoyisa –
 - (a) lesetfweswe wona nguleSAHLUKO;
 - (b) lesabelwe wona ngumtsetfo wavelonkhe; kanye
 - (c) naloniketwe kuso kunchubomgomo yavelonkhe yetebuphoyisa.
- (5) Kuze sikwati kwenta imisebenti lehlelwe esigatjaneni (3), sifundza –
 - (a) singaphenya, noma sibeke iKhomishani yeluphenyo, noma tiphi tikhalo ngekungakhoni kusebenta kwemaphoyisa noma kuphela kwebudlelwano emkhatsini kwemaphoyisa nanoma ngumuphi ummango; futsi
 - (b) kumele sente tincumo elungeni leKhabhinethi leliphetse tebuphoyisa.
- (6) Ngemuva kwekutfolela sikhalo lesifakwe Sigungu sesifundza lesengamele, ibhodi letimele yetikhalo ngebuphoyisa lesungulwe ngumtsetfo wavelonkhe kumele iphenye noma kuphi kutiphatsa kabi, noma kwephulwa kwemtsetfo lilunga letembutfo webuphoyisa esifundzeni.
- (7) Umtsetfo wavelonkhe kumele wente kube khona sitfungeletelo sekusungulwa, semandla, semisebenti nesekuphatfwa kwembutfo wemaphoyisa abomasipala.
- (8) Likomidi lelibunjwe ngelilunga leKhabhinethi nemalunga eMkhandlu waVelonkhe weTifundza letfweswe umtfwalo wetebuphoyisa kumele lisungulwe kutewucinisekisa kusebentisana lokunemphumela ngumbutfo wemaphoyisa nelubambiswano lolunemphumela emkhatsini kwetikhungo tahlumende.
- (9) Sishayamtsetfo sesifundza singacela Khomishani wesifundza kutsi atfule embi kwaso noma kukuwaphi emakomiti aso kutewuphendvula imibuto letsite.

Kulawulwa kwembutfo wetebuphoyisa

207. (1) Mengameli njengenhloko yeSigungu lesengamele kumele abeke umntfu lomsikati noma lomdvuna kutsi abe nguKhomishani wavelonkhe wemaphoyisa, kucondzisa nekuphatsa umbutfo wetekuvikela.
- (2) Khomishani wavelonkhe wemaphoyisa, kumele aphantse futsi acondzise umbutfo wetekuvikela ngekulandzela inchubomgomo yavelonkhe yetekuvikela kanye nemiyalo yelilunga leKhabhinethi lelengamele tekuvikelwa ngumbutfo wetebuphoyisa.
- (3) Khomishani wavelonkhe wemaphoyisa, ngekuvumelana neSigungu sesifundza lesengamele, kumele abeke umntfu lomsikati noma lomdvuna kutsi abe

- ngukhomishani wesifundza waleso sifundza, kepha uma ngabe Khomishani wavelonkhe neSigungu sesifundza lesengamele bangakhoni kuvumelana ngalomuntu lokumele abekwe, lilunga leKhabhinethi leliphetse umbutfo wetebuphoyisa kumele libe ngumlamuli emkhatsini kwalamacembu.
- (4) Bokhomishani bemaphoyisa betifundza banemtfwalo wetebuphoyisa etifundzeni tabo ngasinye –
- njengoba kuchaza umtsetfo wavelonkhe; futsi
 - nangekulanzela emandla aKhomishani wemaPhoyisa wavelonkhe ekucondzisa nekuphatsa umbutfo wetebuphoyisa ngekulanzela sigatjana (2).
- (5) Khomishani wesifundza kumele abike kusishayamtsetfo sesifundza njalo nje ngeminyaka ngekuvikela ngembutfo wemaphoyisa esifundzeni, futsi kumele atfumele ikhophi yalombiko kuKhomishani wavelonkhe.
- (6) Uma Khomishani wesifundza asalahlekelwe kwetsenjwa Sigungu sesifundza lesengamele lesi Sigungu singenta tinyatselo letisemtsetfweni tekumkhapha esikhundleni, tekumtjintja noma tekumjezisa, lowo Khomishani ngekulanzela umtsetfo wavelonkhe.

Lihhovisi labomabhalane lebantfu labangekho ebuphoyiseni

208. Lihhovisi labomabhalane lebantfu labangekho embutfweni wetebuphoyisa kumele livulwe ngekulanzela umtsetfo wavelonkhe, futsi lisebente ngaphantsi kwesandla selilunga leKhabhinethi lelibukene nemsebenti webuphoyisa.

Bunhloli

Kusungulwa nekuphatfwa kwemibutfo yebunhloli

209. (1) Noma muphi umbutfo webunhloli, ngaphandle kwemibutfo yebunhloli lebunebuciko lobusetulu yembutfo wetemphi noma wetekuvikela ngebuphoyisa ingasungulwa kuphela nguMengameli njengenhloko yeSigungu lesengamele, futsi kuphela nangekulanzela umtsetfo wavelonkhe.
- (2) Mengameli njengenhloko yeSigungu lesengamele kumele abeke umuntu lomsikati noma lomdvuna njengenhloko yalowo nalowo mbutfo webunhloli lobunebuciko lobusetulu bembutfo wetemphi noma wetekuvikela ngebuphoyisa lowakhiwe

ngekwesigatjana (1), futsi kumele noma atsatse umtfwalo ngekwepolitiki wekucondzisa nekuphatsa kwanoma ngumuphi walembutfo, noma akhetse lilunga leKhabhinethi kutsi litsatse lowo mtfwalo.

Emandla, imisebenti nekweluswa

210. Umtsetfo wavelonkhe kumele uphatse tinhloso, emandla kanye nemisebenti yemibutfo yebunhloli, lokufaka noma muphi umbutfo webunhloli lobunebuciko lobusetulu wembutfo wetemphi noma wetekuvikela ngebuphoyisa, futsi kumele wente kube khona –
- (a) kumataniswa kahle kwayo yonkhe imibutfo yebunhloli; futsi
 - (b) kweluswa sive kwemisebenti yalemibutfo yebunhloli ngumhloli lobekwe nguMengameli njengenhloko yeSigungu lesengamele, futsi loko kwemukelwa ngesincumo lesitsetfwe Sigungu saVelonkhe ngekwesekelwa ngemalunga awo langulokubili kulokutsatfu.