

ISAHLUKO 11

IINKONZO ZOKHUSELEKO

Imigaqo engundoqo

198. Imigaqo elandelayo ilawula ukhuseleko lwelizwe kwiRiphabliki:
- ukhuseleko lwelizwe malubonise isigqibo sabantu baseMzantsi-Afrika, bengumntu ngamnye bekwasizwe, sokuphila njengabalinganayo, sokuphila ngoxolo nemvisiswano, sokungabi nalo uloyiko nokuswela, nesokufuna ubomi obubhetele;
 - isigqibo sokuphila ngoxolo nemvisiswano siyamthintela nawuphi na ummi waseMzantsi-Afrika ekuthabathen'inxaxheba kungquzulwano ekuxhotyiweyo kulo, kwilizwe lethu okanye kwamanye amazwe, ngaphandle kwalapho kutsho uMgaqo-siseko okanye umthetho wepalamente wezwelonke;
 - ukhuseleko lwelizwe malufunwe ngendlela evisisana nomthetho, kuquka nomthetho wamazwe ngamazwe;
 - ukhuseleko lwelizwe luphantsi kwegunya lePalamente norhulumente wezwelonke.

Ukusekwa kweenkonzo zokhuseleko, ukwakheka kwazo nendlela yokuziphatha

199. (1) linkonzo zokhuseleko zeRiphabliki ngumkhosi wokhuselo omnye, inkonzo yamapolisa enye kuzo naziphi na iinkonzo zobuntlola ezisekwe ngokoMgaqo-siseko.
- Umkhosi wokhuselo kuphela komkhosi wamajoni osemthethweni kwiRiphabliki.
 - Ngaphandle kweenkonzo zokhuseleko ezisekwe ngokoMgaqo-siseko, imibutho exhobileyo okanye abenza iinkonzo ekuxhotywayo kuzo banokusekwa kuphela ngokomthetho wepalamente wezwelonke.
 - linkonzo zokhuseleko mazakhiwe zize zilawulwe ngumthetho wepalamente wezwelonke.
 - linkonzo zokhuseleko mazenze, zifundise kwaye zifune ukuba amalungu azo enze, ngokuvumelana noMgaqo-siseko nomthetho, kuquka nomthetho wamazwe ngamazwe oqhelekileyo nezivumelwano zamazwe ngamazwe eziyinkqamangelayo iRiphabliki.

- (6) Akukho lungu layo nayiphi na inkonzo yokhuseleko emalithobele umyalelo obonakala ngokucacileyo ukuba awukho mthethweni.
- (7) Iinkonzo zokhuseleko, okanye ilungu lazo, azivumelekanga ukuba, ekwenzeni imisebenzi yazo—
 - (a) zithintele injongo yeqela lolopolitiko efanelekileyo ngokoMgaqo-siseko; okanye
 - (b) ziqhubele phambili, ngendlela enomkhethe, injongo yeqela lolopolitiko.
- (8) Ukuze kuphunyezwe imigaqo yokusebenzela elubala nokuphendula, iikomiti zepalamente zamaqela ngamaqela mazongamele zonke iinkonzo zokhuseleko ngendlela efunwa ngumthetho wepalamente wezwelonke okanye efunwa yimigaqo nayimiyalelo yePalamente.

Ukhuseleko

Umkhosi wokhuseleko

- 200. (1) Umkhosi wokhuseleko mawakhiwe uze uphathwe njengomkhosi wamajoni ogcin' ucwangco.
- (2) Injongo ephambili yomkhosi wokhuseleko kukuyilwela nokuyikhusele iRiphabliki, umhlaba wayo nabantu bayo ngokuvumelana noMgaqo-siseko nemigaqo yomthetho wamazwe ngamazwe elawula ukusetyenziswa kwezigalo.

Imbopheleleko eyepolitiko

- 201. (1) Ilungu leKhabhinethi malibe nembopheleleko yokhuseleko.
- (2) NguMongameli kuphela, njengentloko karhulumente wezwelonke, onokugunyaza ukutyalwa komkhosi wokhuseleko—
 - (a) ngokusebenzisana namapolisa;
 - (b) ekukhuseleni iRiphabliki;
 - (c) ekuphumezeni imbopheleleko engokwamazwe ngamazwe.
- (3) Xa umkhosi wokhuseleko utyalwa ngayo nayiphi na injongo ekhankanywe kwisiqendwana (2), uMongameli makazise iPalamente msinya, kunjalonje anike iinkcukacha ezifanelekileyo—
 - (a) ngezizathu zokutyalwa komkhosi wokhuseleko;
 - (b) ngendawo otyalwa kuyo umkhosi wokhuseleko;

- (c) ngenani labantu ababandakanyekileyo;
 - (d) nangobude bexesha ekulindeleke ukuba umkhosi utyalwe.
- (4) Ukuba iPalamente ayihlali kwisithuba seentsuku ezisixhenxe zokuqala utyaliwe umkhosi wokhuselo ngendlela ekucingwa ngayo kwisiqendwana (2), uMongameli makayinike ikomiti yokongamela efanelekileyo ingcombolo efuneka kwisiqendwana (3).

Igunya phezu komkhosi wokhuselo

202. (1) UMongameli njengentloko karhulumente wezwelonke unguSomagunya oyiNtloko womkhosi wokhuselo; makamisele uSomagunya womkhosi wokhuselo.
- (2) Igunya phezu komkhosi wokhuselo malisetyenziswe ngokwemiyalelo yelungu leKhabhinethi eliphathiswe ukhuselo, phantsi kwegunya likaMongameli

Imeko yokhuselo lwelizwe

203. (1) UMongameli njengentloko karhulumente wezwelonke usnokubhengeza imeko yokhuselo lwelizwe, kwaye makazise iPalamente msinya kananjalo enika iinkcukacha ezifanelekileyo—
- (a) ngezizathu zesibhengezo;
 - (b) ngendawo otyalwa kuyo umkhosi wokhuselo;
 - (c) nangenani labantu ababandakanyekileyo.
- (2) Ukuba iPalamente ayihlalanga xa kubhengezwa imeko yokhuseleko lwelizwe, uMongameli makabizele iPalamente ekuhlaleni okungelilo ixesha eliqhelekileyo zingaphelanga iintsuku ezisixhenxe senziwe isibhengezo.
- (3) Isibhengezo semeko yokhuselo lwelizwe siyaphelela ngaphandle kokuba siyavunywa yiPalamente kwisithuba seentsuku ezisixhenxe senziwe isibhengezo.

Abasebenzi abangomajoni kukhuselo

204. Makugunyazwe ubukho babasebenzi abangomajoni begunyazwa ngumthetho wepalamente wezwelonke ukuba basebenze phantsi kolwalathiso lwelungu leKhabhinethi eliphathiswe ukhuselo.

Amapolisa

Inkonzo yobupolisa

205. (1) Inkonzo yobupolisa yezwelonke mayakhiwe ngendlela yokuba isebenze kurhulumente wezwelonke, kowamaphondo, kuze kuthi apho kufanelekileyo khona, nakoorhulumente basekuhlaleni.
- (2) Umthetho wepalamente wezwelonke mawuxele amagunya nemisebenzi yenkonzo yobupolisa kwaye mawuyenze inkonzo yobupolisa ikwazi ukuzifeza iimbopheleleko zayo ngempumelelo, icingela iimfuneko zamaphondo.
- (3) Iinjongo zenkonzo yamapolisa kukuthintela ulwaphulo-mthetho, ilwe nalo, iluphande, kukugcina ucwangco eluntwini, kukukhusela abemi beRiphabliki nempahla yabo, nokuwuxhasa nokuwunyanzelisa umthetho.

Imbopheleleko eyepolitiko

206. (1) Ilungu leKhabhinethi maliphathiswe umsebenzi wobupolisa kwaye malenze isigqibo ngenkqubo yomsebenzi wobupolisa kwilizwe lonke emva kokubonisana noorhulumente bamaphondo nokucingela iimfuno zomsebenzi wobupolisa nezinto ezifuneka kuqala kumaphondo njengoko zixelwa ngoorhulumente bamaphondo.
- (2) Inkqubo yomsebenzi wobupolisa kwilizwe lonke isenokwenza ukuba kubekho iinkqubo ezingafaniyo kumaphondo ngamaphondo emva kokucingela iimfuno zomsebenzi wobupolisa zala maphondo.
- (3) Iphondo ngalinye linelungelo—
- (a) lokukubek' esweni ukuziphatha kwamapolisa;
 - (b) lokongamela ukusebenza ngempumelelo nangokutyibilikayo kwenkonzo yobupolisa, kuquka nokufumana iingxelo ngenkonzo yobupolisa ;
 - (c) lokukhuthaza ubudlelane obuhle phakathi kwamapolisa noluntu;
 - (d) lokuphonononga ukuba kusebenza ngempumelelo kangakanani na ukubonakala kwamapolisa phakathi koluntu;
 - (e) nelokuthetha nelungu leKhabhinethi eliphathiswe umsebenzi wobupolisa ngokumayela nolwaphulo-mthetho nokwenziwa komsebenzi wobupolisa kwiphondo.
- (4) Urhulumente wephondo unembopheleleko ngemisebenzi yobupolisa—

- (a) ayinikwe sesi Sahluko;
 - (b) abelwe yona ngokomthetho wepalamente wezwelonke;
 - (c) nabelwe yona kwinkqubo yomsebenzi wobupolisa yezwelonke.
- (5) Ukuze liyenze imisebenzi echazwe kwisiqendwana (3), iphondo—
- (a) lisenokuphanda, okanye limisele ikomishoni yophando, iphonde ngezikhazalo zokungasebenzi kakuhle kwamapolisa okanye ngokufadalala kobudlelane phakathi kwamapolisa noluntu; kwaye
 - (b) malenze uncomelo kwilungu leKhabhinethi eliphathiswe umsebenzi wobupolisa.
- (6) Lisakufumana isikhazalo esifakwe ngurhulumente wephondo, iqumrhu elizimeleyo lezikhazalo ngamapolisa elisekwe ngumthetho wepalamente wezwelonke maliphande ukuziphatha kakubi okubikwayo kwepolisa kwiphondo.
- (7) Umthetho wepalamente wezwelonke mawenze ukuba kusekwe iinkonzo zobupolisa zoomasipala, uxele amagunya azo nemisebenzi yazo.
- (8) Makusekwe ikomiti ekukho kuyo ilungu leKhabhinethi naBaphathiswa bephondo bomsebenzi wobupolisa ukuqinisekisa ukuba ilungelelaniswa ngempumelelo inkonzo yobupolisa nokuthi asebenzisana ngempumelelo amanqwanqwa oorhulumente.
- (9) Indlu yowiso-mthetho yephondo isenokufuna ukuba umkomishinala wephondo avele phambi kwayo okanye phambi kwenye yeekomiti zayo ukuze aphendule imibuzo.

Ukulawulwa kwenkonzo yobupolisa

207. (1) UMongameli njengentloko karhulumente wezwelonke makamisele umntu obhinqileyo okanye umntu oyindoda ukuba abe nguMkomishinala weZwelonke wenkonzo yobupolisa, alawule inkonzo yobupolisa.
- (2) UMkomishinala weZwelonke makayilawule inkonzo yobupolisa ngokwenkqubo yomsebenzi wobupolisa yezwelonke nangokwemiyalelo yelungu leKhabhinethi eliphathiswe umsebenzi wobupolisa.
- (3) UMkomishinala weZwelonke, ngokuvumelana norhulumente wezwelonke, makamisele umntu obhinqileyo okanye umntu oyindoda abe ngumkomishinala wephondo kwelo phondo, kodwa ukuba uMkomishinala weZwelonke norhulumente

wephondo abavumelani ngomntu omakamiselwe, ilungu leKhabhinethi eliphathiswe umsebenzi wobupolisa malilamle.

- (4) Abakomishinala bamaphondo banembopheleleko yomsebenzi wobupolisa kumaphondo abo—
 - (a) ngendlela efunwa ngumthetho wepalamente wezwelonke;
 - (b) nangokulawulwa ligunya loMkomishinala weZwelonke lokuyilawula inkonzo yobupolisa ngokwesiqendwana (2).
- (5) Umkomishinala wephondo makenz' ingxelo kwindlu yowiso-mthetho yephondo qho ngonyaka ngomsebenzi wobupolisa kwiphondo, kwaye makathumele ikopi yengxelo kuMkomishinala weZwelonke.
- (6) Ukuba umkomishinala wephondo akasathenjwa ngurhulumente wephondo, urhulumente unokuqalisa amanyathelo afanelekileyo okushenxiswa okanye okufuduselwa kwenye indawo kwloo mkomishinala, okanye okumthabathel' amanyathelo oluleko, ngokomthetho wepalamente wezwelonke.

Abasebenzi abangengawo amapolisa ebupoliseni

208. Umthetho wepalamente wezwelonke mawenze ukuba kubekho abasebenzi abangengawo amapolisa kwinkonzo yobupolisa ukuze basebenze phantsi kolwalathiso lwelungu leKhabhinethi eliphathiswe umsebenzi wobupolisa.

Ubuntlola

Ukusekwa kweenkonzo zobuntlola nokulawulwa kwazo

209. (1) Nayiphi na inkonzo yobuntlola, engelilo icandelo lobuntlola lomkhosi wokhuselo okanye lenkonzo yamapolisa, inokusekwa nguMongameli kuphela, njengentloko karhulumente wezwelonke, kuphela ngokomthetho wepalamente wezwelonke.
- (2) UMongameli njengentloko karhulumente wezwelonke makamisele umntu obhinqileyo okanye oyindoda abe yintloko yenkonzo yobuntlola nganye esekwe ngokwesiqendwana (1), kwaye makathwal' imbopheleleko eyeyopolitiko yokulawula nokwalathisa enye yezo nkonzo, okanye achonge ilungu leKhabhinethi lithwale loo mbopheleleko.

Amagunya, imisebenzi nokubek' esweni

210. Umthetho wepalamente wezwelonke mawulawule iinjongo, namagunya nemisebenzi yeenkonzo zobuntlola, kuquka naliphi na icandelo lomkhosi wokhuselo okanye lenkonzo yobupolisa, kwaye mawenze ukuba—
- (a) zilungelelaniswe zonke iinkonzo zobuntlola;
 - (b) zibekw' esweni ngabantu abangemajoni nabangemapolisa iintsebenzo zezo nkonzo, zibekw' esweni ngumhloli omiselwe nguMongameli, njengentloko karhulumente wezwelonke, waza wavunywa ngesigqibo esamkelwe yiNdlu yoWiso-mthetho ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo.