

## ISAHLUKO 9

### AMAZIKO KARHULUMENDE ASEKELA UMTHETHOSISEKELO WENTANDO YENENGI

#### Ukuhlonywa Kanye Nekambisolawulo Yokuphatha

181. (1) Amaziko wombuso alandelako aqinisekisa ukuba ngokwentando yenengi komThethosisekelo ngaphakathi kweRiphabliki:
- (a) umVikeli womPhakathi
  - (b) iKomitjhini yamaLungelo wobuNtu yeSewula Afrika.
  - (c) iKomitjhini yokuThuthukisa nokuVikela amaLungelo wemiPhakathi ngokwamaSiko, iKolo neLimi
  - (d) iKomitjhini yokuLingana koBulili
  - (e) UmHloli Zombebele wezeeMali
  - (f) iKomitjhini yezamaKhetho.
- (2) Amaziko la azijamele, begodu asebenza kwaphela ngokulandela umThethosisekelo nomThetho begodu, kumele bona angathathi ihlangothi begodu asebenzise amandla anikelwe wona begodu enze imisebenzi yawo ngaphandle kokwesaba, nokuthatha ihlangothi.
- (3) linjamiso ezinye zombuso, ngokusebenzisa umThetho namanye amagadango, kumele arhelebhe begodu avikele amaziko la, ukuqinisekisa ukuzijamela kwawo, ukungathathi hlangothi, ukuhlonipheka nokuphumelela kwawo.
- (4) Akukho muntu namkha isijamiso sombuso esifanele singenangene phakathi kokusebenza kwamaziko la.
- (5) Amaziko la azaziphendulela ePalamende, begodu kumele ethule imibiko ngokusebenza kwawo esiBethamthethweni seNarha okungenani kanye ngonyaka.

#### UmVikeli WomPhakathi

#### Imisebenzi YomVikeli WomPhakathi

182. (1) UmVikeli womPhakathi unamandla alandelako, njengombana alawulwa mThetho weNarha—
- (a) wokuphenya okhunye nokhunye ukuziphatha emisebenzini yombuso namkha ekuphathweni kwemisebenzi yomphakathi kunanyana ngiliphi izinga

lombuso, okuthiwa namkha okusolelwa bona alisebenzi ngokufaneleko namkha okungaletha imiphumela emimbi namkha ekhubaza omunye umuntu.

- (b) wokwethula umbiko kulokho ukuziphatha; begodu
  - (c) newokuthatha amagadango afaneleko wokulungisa ubujamo.
- (2) UmVikeli womPhakathi unamandla angezelelweko nemisebenzi ebekwa mThetho weNarha.
- (3) UmVikeli womPhakathi angeze aphe nye iinqunto zekhotho.
- (4) UmVikeli womPhakathi kumele akghone ukufikelelwa ngibo boke abantu nomphakathi.
- (5) Nanyana ngimuphi umbiko okhutjwe mVikeli womPhakathi, abantu kumele bavunyelwe bona bawubone, ngaphandle kwalokha nakunobujamo obuthileko obungakavami obubekwe ngokulandela mThetho weNarha obutlhoga bona umbiko ubeyifihlo.

### Isikhathi Esibekelwe Ukuphatha Isikhundla

183. UmVikeli womPhakathi ubekwa ahlale esikhundleni iminyaka elikhomba engavuselelwako.

### **IKomitjhini YamaLungelo WobuNtu YeSewula Afrika**

#### Imisebenzi YeKomitjhini YamaLungelo WobuNtu YeSewula Afrika

184. (1) IKomitjhini yamaLungelo wobuNtu kumele—
- (a) yenyule izinga lokuhlonitjha kwamalungelo wobuntu nesiko lamalungelo wobuntu ngaphakathi kweRiphabliki;
  - (b) yenyule izinga lokuvikelwa, ukuthuthukiswa begodu nokutholakala kwamalungelo wobuntu; begodu
  - (c) ibeke ilihlo begodu imede bona amalungelo wobuNtu ahlonitjha kangangani ngaphakathi kweRiphabliki le.
- (2) IKomitjhini yamaLungelo wobuNtu inamandla, njengoba ilawulwa mThetho weNarha, ewadingako ekwenzeni imisebenzi yawo, kufaka hlangana namandla—
- (a) wokuphenya nokwethula umbiko manqophana nokuhlonitjha kwamalungelo wobuntu;
  - (b) wokuthatha amagadango wokubonelela ukunikelwa kwesizo elifaneleko lapha amalungelo wobuntu akhubazeke khona;

- (c) wokwenza irhubhululo; begodu
- (d) nawokufundisa.
- (3) IKomitjhini yamaLungelo wobuNtu kufuneka njalo ngonyaka ifune imibiko emagatjeni wombuso athintekako, mayelana namagadango athethweko ekuphumeleliseni nekuqinisekiseni ukuthola ilungelo lokuba nendawo yokuhlala, indlu, zepilo, ukudla, amanzi, ukuvikeleka lapho kuhlala khona abantu, ifundo nebhoduluko.
- (4) IKomitjhini yamaLungelo wobuNtu yeSewula Afrika inamandla nemisebenzi engezelelweko ebekwa mThetho weNarha.

## **IKomitjhini YokweNyula Izinga NokuVikela AmaLungelo WemiPhakathi NgokwamaSiko, IKolo NeLimi**

### **Imisebenzi YeKomitjhini**

185. (1) Iminqopho eqakathekileko yeKomitjhini yokweNyula izinga nokuVikela amaLungelo wemiPhakathi ngokwamaSiko, iKolo neLimi ineminqopho eqakathekileko elandelako—
- (a) ukunyulwa kwezinga lokuhlonitjiswa kwamalungelo wamasiko, ikolo namalimi wemiphakathi;
  - (b) ukunyulwa kwezinga nokuthuthukiswa kokuthula, itjhebiswano, ubuntu, ukungapheli ihliziyo nebumbano lesitjhaba manqophana namasiko, ikolo namalimi wemiphakathi, okusekelwe phezu kokulingana, ukungabandlululi nekululeko yokuzibandakanya.
  - (c) ukwenza isiphakamiso ngokuhlonywa namkha ukuvunyelwa, ngokuya komThetho weNarha, umKhandlu wamasiko namkha eminye imikhandlu yemiphakathi ethileko eSewula Afrika.
- (2) IKomitjhini inamandla, njengoba ilawulwa mThetho weNarha, ewadingako bona ifezekise iminqopho yayo eqakathekileko, okufaka hlangana amandla wokubeka ilihlo, wokuphenya, wokurhubhulula, wokufundisa, wokubawa abantu bayisekele, wokweluleka begodu nowokuthula umbiko eendabeni ezimalungana namalungelo wamasiko, wekolo namalimi wemiphakathi.
- (3) IKomitjhini ingathula nanyana ngimuphi umbiko owela ngaphasi kwamandla nemisebenzayo kuKomitjhini yamaLungelo wobuNtu bona yona iphenyisise.

- (4) IKomitjhini inamandla nemisebenzi engezelelweko equntwa mthetho.

### **Ukubunjwa KweKomitjhini**

186. (1) Inani lamalunga weKomitjhini yokuNyula izinga wemiPhakathi ngokwamaSiko, iKolo neLimi begodu nokubekwa kwabo ngokuya kwemisebenzi kumele kukhanjiswa ngokomThetho weNarha.
- (2) Ukubunjwa kweKomitjhini—
- (a) kumele ijameleke ngokunabileko ngehlangothini lemiphakathi esebenzisa amasiko, ikolo namalimi aqakathekileko weSewula Afrika; begodu
- (b) itjengise ngokunabileko ubujamo bobulili beSewula Afrika.

### **IKomitjhini YokuLingana NgokoBulili**

#### **Imisebenzi YeKomitjhini YokuLingana NgokoBulili**

187. (1) IKomitjhini yokuLingana ngokoBulili kumele yenyule izinga lokuhlontijhwa kokulingana kobulili, nokuvikeleka, ithuthukise, begodu yenze bona kufikelelwe ekulinganeni ngokobulili.
- (2) IKomitjhini yokuLingana koBulili inamandla, ngendlela elawulwa ngayo mThetho weNarha, inamandla athhokekako ekwenziweni komsebenzayo okufaka hlangana amandla wokubeka ilihlo, wokuphenya, wokurhubhulula, wokufundisa, wokufuna bona isekelwe, wokweluleka nawokubika manqophana neendaba ezithinta ukulingana ngokobulili.
- (3) IKomitjhini yokuLingana ngokoBulili inamandla begodu nemisebenzi engezelelweko ebekwa mThetho weNarha.

### **UmHoliincwadizombebele**

#### **Imisebenzi YomHoliincwadizombebele**

188. (1) UmHoliincwadizombebele kumele ahlolisise iincwadi begodu ethule nombiko manqophana nama-akhawundi, iintatimende zezeemali begodu nekambiso yokuphathwa kwezeemali—
- (a) kiyo yoke imiNyango yomBuso weNarha neyeemFunda, begodu nehlangothini lokuphatha;
- (b) zabo boke aboMasipala; begodu

- (c) nakunanyana ngimaphi amaziko namkha iingcenywe ezisebenza ngama-akhawundi adingwa mThetho namkha mThetho weemFunda bona kumele ahlolisisewe mHloliincwadizombebele.
- (2) Ukungezelela emisebenzini etjhiwo esigatjaneni (i), begodu nangokulawulwa nginanyana ngimuphi umThetho, umHloliincwadizombebele angahlolisisa begodu ethule umbiko manqophana nama-akhawundi, iintatimende zeemali nekambiso yokuphathwa kwezeemali—
- (a) nanyana ngiliphi iziko elisekelwa ngeemali ezivela esiKhwameni seNgenisomali somBuso weNarha, nesiKhwameni seNgenisomali sesiFunda namkha sikaMasipala; namkha
- (b) nanyana ngiliphi iziko elivunyelwe ngokuya kwananyana ngimuphi umThetho ukwamukela imali yokwenza umsebenzi womphakathi.
- (3) UmHloliincwadizombebele kumele ethule imibiko kunanyana ngisiphi isiBethamthetho esinerhuluphelo elinqophileko ehloolisweni begodu nakunanyana ngimuphi umThetho obekwe ngokomThetho weNarha. Yoke imibiko kumele yaziswe kiwo woke umphakathi.
- (4) UmHloliincwadizombebele unamandla angezelelweko nemisebenzi ebekwe mThetho weNarha.

### Isikhathi Sokuphatha Isikhundla

189. UmHloliincwadizombebele kumele abekwe esikhundleni ihlandla elibekiweko, engekhe lavuselelwa kabutjha, lesikhathi esihlangana kweminyaka emihlanu nelitjumi.

## IKomitjhini YezamaKhetho

### Imisebenzi YeKomitjhini YezamaKhetho

190. (1) IKomitjhini yezamaKhetho kumele—
- (a) ilawule ikambiso yamakhetho wesiBethamthetho seNarha, zeemFunda nezaboMasipala ngokuya komThetho weNarha;
- (b) iqinisekise bona amakhetho, kuba ngatjaphulukileko nalungileko; begodu
- (c) imemezele imiphumela yamakhetho layo esikhathini okumele sibekwe mThetho weNarha begodu nesifitjhani ngokukghonakala okuzwakalako.
- (2) IKomitjhini yezamaKhetho inamandla begodu nemisebenzi engezelelweko ebekwe mThetho weNarha.

## Ukubunjwa KweKomitjhini YezamaKhetho

191. IKomitjhini yezamaKhetho kumele ibunjwe ubuncani bakhona babantu abathathu. Inani lamalunga nesikhathi sokuphatha iinkhundla kumele kuquntwe mThetho weNarha.

## UmThetho OziJameleko WokuLawula UkuRhatjha

### IPhiko LezokuRhatjha

192. UmThetho weNarha kumele usungule iphiko elizijameleko bona lilawule zokurhatjha ngokweenrhuluphelo zomphakathi nokuqinisekisa ngokufaneleko ukwehlukahlukana kwemibono ejamela umphakathi weSewula Afrika ngokunabileko.

## Iinqalelelo EziVamileko

### Ukubekwa Eenkhundleni

193. (1) UmVikeli womPhakathi namalunga wananyana ngiyiphi iKomitjhini esungulwe ngilesiSahluko kumele kube bomma namkha abobaba labo—
- (a) abazizakhamuzi zeSewula Afrika;
  - (b) abababantu abasezingeni elihle nelifaneleko lokubamba isikhundla isithileko, begodu
  - (c) bazalise nanyana ngiziphi ezinye iindingo ezibekwe mThetho weNarha.
- (2) Iindingo zeKomitjhini esungulwe ngokweSahlukwesi ukobana itjengise ngokunabileko ibumbeko ngokobuhlobo nobulili beSewula Afrika kumele zitjhejwe nangabe amalunga sele abekwa eenkhundleni.
- (3) UmHloliincwadizombebele kumele kube ngumma namkha ubaba osisakhamuzi seSewula Afrika, begodu abe mumuntu osilungeleko nofaneleko ukuphatha isikhundleso, namkha abe nelemuko lezokuhlolwa kwezeemali zombuso nakezokuphathwa komphakathi begodu kumele kutjhejwe khulu lokha nakubekwa umHloliincwadizombebele esikhundleni.
- (4) UMongameli, ngokuya kwesiphakamiso sesiBethamthetho seNarha kumele babekwe eenkhundleni umVikeli woMphakathi, umHloliincwadizombebele, namanye amalunga we—
- (a) Komitjhini yamaLungelo wobuNtu;
  - (b) Komitjhini yokuLingana koBulili; begodu
  - (c) Komitjhini yezamaKhetho.

- (5) IsiBethamthetho seNarha kumele siphakamise abantu—
  - (a) abenyulwe yiKomidi yesiBethamthetho ngendlela yokujanyelwa kweenhlangano zoke zesiBethamthetho seNarha; begodu
  - (b) bavunyelwe siBethamthetho seNarha ngesiqunto esamukelwe linengi lamalungaso—
    - (i) okungasenani amaphesende ama-60 wamalunga wesiBethamthetho, nange iimphakamiso eziphathelele nokuqatjiswa komVikeli womPhakathi namkha umHloliincwadizombebele, namkha
    - (ii) yenengi lamalunga wesiBethamthetho, nange iimphakamiso ziphathelele nokuqatjiswa kwelunga leKomitjhini.
- (6) Ukuzibandakanya komphakathi ekwenziweni kweemphakamiso kungabonelelwa njengombana kubekwe esigabeni 59 (1)(a).

### Ukukhutjwa Emsebenzini

194. (1) UmVikeli womPhakathi, umHloliincwadizombebele namkha amalunga weKomitjhini esungulwe ngokuya kweSahlukwesi, angakhutjwa emsebenzini kwaphela nangabe—
  - (a) uziphethe kumbi, akakghoni ukwenza umsebenzi, namkha lokha nakabhalelwa misebenzakhe;
  - (b) Nakukhona isiqunto ngalokho esivela eKomidini yesiBethamthetho; begodu
  - (c) Ngokwamukela kwesiBethamthetho isiqunto esitjho bona umuntu loyo kumele akhutjwe emsebenzini.
- (2) Isiqunto sesiBethamthetho manqophana nokukhutjwa emsebenzini—
  - (a) komVikeli womPhakathi namkha umHloliincwadizombebele kumele kwamukelwe ngesisekelo samavowudu okungasenani ubuncani bakhona abubili ebuthathwini bamalunga wesiBethamthetho seNarha; namkha
  - (b) ilunga leKomitjhini kumele lamukelwe ngokusekelwa okungasenani ngamavowudu wenengi lamalunga wesiBethamthetho seNarha.
- (3) UMongameli—
  - (a) angajamisa umuntu emsebenzinakhe kwesikhatjhana kesinye nesinye isikhathi ngemva kobana iKomidi yesiBethamthetho ithome ngephenyo lokhutjwa komuntu loyo emsebenzini; begodu
  - (b) kumele akhuphe umuntu emsebenzini ngemva kobana isiBethamthetho seNarha samukele isiqunto esitjhoko bona umuntu loyo angakhutjwa.