

SEHLUKO 9

TIKHUNGO TEMBUSO LETISEKELE INTSANDVO YELINYENTI NGEKWEMTSETFOSISEKELO

Kusungulwa kanye nemigomosisekelo lebusako

181. (1) Letikhungo tembuso letilandzelako ticinisekisa intsandvo yelinyenti ngekwemtsetfosisekelo eRiphabhulikhi -
- (a) UMvikeli wemango
 - (b) LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu
- [Indzima(b) iChitjiyelwe ngesigaba 4 seMtsetfo 65 wanga-1998.]
- (c) LiKhomishani lekuTfutukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi
 - (d) LiKhomishani lekuLingana ngeBulili
 - (e) Umcwaningimabhuku-Jikelele
 - (f) LiKhomishani leluKhetfo.
- (2) Letikhungo titimele, futsi tiboshwa kuphela nguMtsetfosisekelo nemtsetfo, futsi kumele tingakhetsi luhlangotsi futsi kumele tisebentise emandla ato futsi tente imisebenti yato ngaphandle kwekwesaba, kwekuvuna noma kwekukhinyabeta.
- (3) Letinye tikhungo tembuso, kumele ngetinyatselo temtsetfo naletinye, tisite futsi tivikele letikhungo kutewucinisekisa kutimela, kungakhetsi luhlangotsi, sitfunti kanye nekusebenta ngemphumelelo kwaletikhungo.
- (4) Kute umuntu noma sikhungo sembuso lokumele sitsikamete kusebenta kwaletikhungo.
- (5) Letikhungo tinekutiphendvulela esiGungwini saVelonkhe kantsi kumele tiletse umbiko wekusebenta nekuchutjwa kwemisebenti yato kuleSigungu lokungenani kanye ngemnyaka.

UMvikeli wemmango

Imisebenti yeMvikeli weMmango

182. (1) UMvikeli wemmango unemandla, njengoba kucondziswa ngumtsetfo wavelonkhe –
- (a) ekuphenya noma ngusiphi sento etindzabeni tembuso, noma kulawulwa kwembuso kunoma ngumuphi umkhakha wahlumende lekutsiwa noma lekusolakala kutsi asikalungi noma sitawuletsa kungalungi noma lukhinyabeteka;
 - (b) ekubika mayelana naleso sento; kanye
 - (c) nekutsatsa sinyatselo lesifanele lesilikhambi laloku.
- (2) UMvikeli wemmango unemandla nemisebenti leyengetiwe laniketwe yona ngumtsetfo wavelonkhe.
- (3) UMvikeli wemmango akumelanga aphenye tincumo tetinkantolo.
- (4) UMvikeli wemmango kumele afinyeleleke kubo bonkhe bantfu nakuyo yonkhe imiphakatsi.
- (5) Noma ngumuphi umbiko lokhishwe nguMvikeli wemmango kumele ummango ukwati kuwutfofa, ngaphandle uma ngabe timo letitsite letingakavami, letitawuncunywa ngumtsetfo wavelonkhe, tibeka kutsi umbiko lotsite ugcinwe uyimfihlo.

Sikhatsi sekuba sesikhundleni

183. UMvikeli wemmango ubekwa esikhundleni kutsi asebente iminyaka lesikhombisa lengavuselelwa. LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu (sigaba 184)

Imisebenti yeliKhomishani lemaLungelo eLuntfu

184. (1) LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu kumele –
- (a) likhutsate kuhlonishwa kwemaLungelo eLuntfu kanye nekutfutfukiswa kwelisiko lemalungelo eluntfu eRiphabhulikhi;
 - (b) likhutsate kutfutfukiswa, kuvikelwa kanye nekutfolakala kwemaLungelo eLuntfu; futsi
 - (c) libeke liso liphindze lihlatiye kuhlonishwa kwemaLungelo eluntfu eRiphabhulikhi.

- (2) LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu linemandla, njengoba kubekwe ngumtsetfo wavelonkhe, ladzingekele kutsi lente imisebenti yalo, lokufaka ekhatsi emandla –
 - (a) ekuphenya kanye nekubika mayelana nekuhlonishwa kwemalungelo eluntfu;
 - (b) ekutsatsa tinyatselo kucinisekisa sinesitelo lesifanele uma ngabe emalungelo eluntfu ephuliwe;
 - (c) ekwenta lucwaningo; kanye
 - (d) ekufundzisa.
- (3) Njalo ngemnyaka liKhomishani lemaLungelo eLuntfu kumele libophelele tikhungo tembuso kutsi tetfule kuleliKhomishani imininingwane ngetinyatselo letititsetse leticondze ekuphunyeelelisweni kwemalungelo lakuluCwebu lwemaLungelo eLuntfu laphatselene netindlu, lunakekelo lwetempilo, kudla, emanti, kuvikeleka kutenhlahakahle, imfundvo, kanye nesimondzawo.
- (4) LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

[Sigaba 184 siChitjiyelwe ngesigaba 4 seMtsetfo 65 wanga-1998.]

LiKhomishani lekuTfufukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi

Imisebenti yaleliKhomishani

185. (1) Tinhloso letinkhulu taleliKhomishani lekuTfufukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi -
- (a) kutfufukisa kuhlonishwa kwemalungelo emiphakatsi lebungwe ngemasiko, tenkholo netilwimi;
 - (b) kunconota nekuTfufukisa kuthula, bungani, buntfu, kubeketelelana nebungwe besive emiphakatsini lebungwe ngemasiko, tenkholo netilwimi lokumiswe esisekelweni sekulingana, kungabandlululi nekuhlangana ngenkhululeko; kanye
 - (c) nekwenza tiphakamiso tekusungulwa noma tekwemukelwa, ngekulandzela umtsetfo wavelonkhe, kwemkhandlu wetemasiko noma lokunye noma imikhandlu yemango noma imiphakatsi eNingizimu Afrika.

- (2) LeliKhomishani linemandla, njengoba kubeka umtsetfo wavelonkhe, leliwadzingako kufeza tinhlosoncanti talo, lokufaka ekhatsi emandla ekulandzelela, ekuphenya, ekucwaninga, ekufundzisa, ekusomela kwesekelwa, ekweluleka nekubika ngetindzaba letiphatselene nemalungelo emiphakatsi lebungwe ngetemasiko, ngetenkholo nangetilwimi.
- (3) LeliKhomishani lingetfula imibiko ngeludzaba loluwela ngaphasi kwemandla nemisebenti alo lekulikhomishani laseNingizimu Afrika lemaLungelo eLuntfu kutsi luphenywe.

[Sigatjana (3) siChitjijelwe ngesigaba 4 seMtsetfo 65 wanga-1998.]

- (4) LeliKhomishani linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

Kubunjwa kwaleliKhomishani

186. (1) Linani lemalunga aleliKhomishani lekuTfufukiswa nekuVikelwa kwemaLungelo emiphakatsi yemaSiko, teNkholo neluLwimi kanye nekubekwa etikhundleni nemibandzela yekucashwa kwawo kumele kubekwe ngumtsetfo wavelonkhe.
- (2) Kubunjwa kwaleliKhomishani –
 - (a) kumele kukhombise kumelwa ngalokubanti kwemiphakatsi lemikhulu kutemasiko, tenkholo netilwimi eNingizimu Afrika; futsi
 - (b) kukhombise ngalokubanti bunyenti bebulili lobukhona eNingizimu Afrika.

LiKhomishani lekuLingana ngeBulili

Imisebenti yeliKhomishani lekuLingana ngeBulili

187. (1) LiKhomishani lekuLingana ngeBulili kumele likhutsate kuhlonishwa kwekulingana ngekwebulili, kanye nekutfutukiswa, kuvikelwa kanye nekuzuzwa kwekulingana ngekwebulili.
- (2) LiKhomishani lekuLingana ngeBulili linemandla, njengoba kubekwe ngumtsetfo wavelonkhe, ladzingekako ekwenteni imisebenti yalo, lokufaka ekhatsi emandla ekulandzelela, ekuphenya, ekucwaninga, ekufundzisa, ekusomela kwesekelwa, ekweluleka nekubika ngetindzaba letiphatselene nekulingana kwebulili.

- (3) LiKhomishani lekuLingana ngeBulili linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

UmCwaningimabhuku-Jikelele

Imisebenti yemCwaningimabhuku-Jikelele

188. (1) UmCwaningimabhuku-Jikelele kumele acwaninge aphindze ente imibiko ngemabhuku etetimali, netititimende tetetimali kanye nekuphatfwa kwetimali –
- (a) kuwo onkhe ematiko embuso emkhakheni wavelonkhe newesifundza kanye nemahhovisi embuso;
 - (b) kubo bonkhe bomasipala; kanye
 - (c) nakunoma ngusiphi lesinye sikhungo noma licadzi lekutiphendvulela lekufuneka ngekwemtsetfo wavelonkhe noma wesifundza kutsi ticwaningwe ngumCwaningimabhuku-Jikelele.
- (2) Ngetulu kwalemisebenti lebekwe esigatjaneni (1), futsi nangekulandzela noma ngumuphi umtsetfo, umCwaningimabhuku- Jikelele angacwanninga aphindze abike ngekugcinwa kwetetimali, tititimende tetimali nekuphatfwa –
- (a) kwanoma ngusiphi sikhungo lesinikwa timali letiphuma esiKhwameni saVelonkhe seMali, esiKhwameni sesiFundza seMali noma samasipala; noma
 - (b) kwanoma ngusiphi sikhungo lesivunyelwe ngunoma ngumuphi umtsetfo kwemukela imali syekuchuba imisebenti yemmango.
- (3) UmCwaningimabhuku-Jikelele kumele etfule imibiko kunoma ngusiphi sishayamtsetfo lesinenshisekelo-ngco kulolo lucwanningo, nakunoma ngusiphi lesinye siphatsimandla lesishiwo ngumtsetfo wavelonkhe. Yonkhe imibiko kumele ingabi yimfihlo.
- (4) UmCwaningimabhuku-Jikelele unemandla nemisebenti leyengetiwe laniketwe yona ngumtsetfo wavelonkhe.

Sikhatsi sekuba sesikhundleni

189. UmCwaningimabhuku-Jikelele kumele abekwe sikhatsi lesimisiwe, lesingavuselelwa lesisemkhatsini kweminyaka lesihlanu nalesishumi.

LiKhomishani leluKhetfo

Imisebenti yeliKhomishani leluKhetfo

190. (1) LiKhomishani leluKhetfo kumele –
- (a) liphatse lukhetfo lwayo yonkhe imitimba yekushaya umtsetfo kuvelonkhe, etifundzeni nakubomasipala ngekulandzela umtsetfo wavelonkhe;
 - (b) licinisekise kutsi lolo lukhetfo lukhululekile futsi lulnebungiswa; futsi
 - (c) likhiphe imiphumela yalalo lukhetfo ngesikhatsi lesitawubekwa ngumtsetfo wavelonkhe lesifishane ngalokungaphumeleleka.
- (2) LiKhomishani leluKhetfo linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

Kubunjwa kweliKhomishani leluKhetfo

191. LiKhomishani leluKhetfo kumele libunjwe bantfu lokungenani labatsatfu. Linani lemalunga nebudze betikhatsi tekusebenta kwawo kumele kubekwe ngumtsetfo wavelonkhe.

UMtimba lotiMele wekuLawula TekuSakata

UMtimba weTekuSakata

192. Umtsetfo wavelonkhe kumele ubeke umtimba lotimele kutewulawula tekusakata ngekwemfuno yemiphakatsi, kanye nekucinisekisa bulungiswa nemibono leyehlukahlukene lemele imiphakatsi yeNingizimu Afrika ngalokubanti.

Timiso Jikelele

Kubekwa esikhundleni

193. (1) UMvikieli wemmango kanye nemalunga eliKhomishani lelisungulwe nguleSAHLUKO kufanele babe ngulabasikati noma labadvuna -
- (a) labatakhamuti taseNingizimu Afrika;
 - (b) labalungele futsi labafanele kubamba leto tikhundla; futsi
 - (c) labanetisa tonkhe letinye tidzingo letibekwe ngumtsetfo wavelonkhe.

- (2) Sidzingo seliKhomishani lesisungulwe nguleSAHLUKO sekukhonbisa kabanti kwakheka ngebuhlanga nangebulili kweNingizimu Afrika kumele sinakwe uma kubekwa emalunga.
- (3) UmCwaningimabhuku-Jikelele kumele kube ngumuntfu lomsikati noma lomdvuna losakhamuti seNingizimu Afrika futsi lofanele nalolungele kubamba lesi sikhundla. Lwati lolujulile, noma sipiliyoni, ekucwaningeni, timali tembuso kanye nekuphatfwa kwembuso kumele kunakwe uma kucashwa umCwaningimabhuku-Jikelele.
- (4) Mengameli ngetincomo teSigungu saVelonkhe, kumele akhetse uMvikeli wemmango nemCwaningimabhuku-Jikelele nemalunga –
- (a) eliKhomishani laseNingizimu Afrika lemaLungelo eLuntfu;
- [Indzima (a) iChitjiyelwe ngesigaba 4 seMtsetfo 65 wanga-1998.]
- (b) eliKhomishani lekuLingana ngeBulili; kanye
- (c) eliKhomishani leluKhetfo.
- (5) Sigungu saVelonkhe kumele sincome bantfu –
- (a) labaphakanyiswe likomidi leSigungu saVelonkhe lelinemalunga lamele onkhe emacembu ngebuncane nangebukhulu bawo kuleSigungu;
- (b) labemukelwe nguleSigungu ngesincumo lesivunywe livoti lelesekelwe –
- (i) linyenti lemalunga lokungenani langemaphesenti langu- 60 aleSigungu, uma ngabe lesincomo siphatselene nekubekwa esikhundleni kweMvikeli weMmango noma umCwaningimabhuku-Jikelele; noma
- (ii) linyenti lemalunga aleSigungu uma ngabe lesincomo siphatselene nekubekwa esikhundleni kwelilunga leliKhomishani.
- (6) Kufaka sandla kwemmango kulenchubo yetincomo kungaphunyeleliswa njengoba kushiwo esigabeni 59(1)(a).

Kukhishwa esikhundleni

194. (1) UMvikeli wemmango, umCwaningimabhuku-Jikelele noma lilunga leliKhomishani lelisungulwe nguleSAHLUKO bangakhishwa esikhundleni kuphela nje -
- (a) ngesizatfu sekutiphatsa kabi, kwehluleka kwenta umsebenzi noma kungabi nelwati lolwenele lwekwenta umsebenzi;
- (b) kunebufakazi baloko lobutfolwe likomidi leSigungu saVelonkhe; kanye
- (c) nekutsi Sigungu saVelonkhe semukele sincumo sekutsi lowo muntfu akakhishwe esikhundleni.

SEHLUKO 9: TIKHUNGO TEMBUSO LETISEKELE INTSANDVO
YELINYENTI NGEKWEMTSETFOSISEKELO

- (2) Sincumo lesitsetfwe Sigungu saVelonkhe lesiphatselene nekukhishwa esikhundleni –
- (a) kweMvikeli weMmango noma umCwaningimabhuku-Jikelele kumele semukelwe ngelivoti lelesekelwe ngemalunga langulokubili kulokutsatfu aleSigungu; noma
 - (b) kwelilunga leliKhomishani kumele semukelwe ngelivoti lelesekelwe linyenti lemalunga aleSigungu.
- (3) Mengameli –
- (a) angammisa kwesikhashana umuntfu esikhundleni noma nini ngemuva kwekucala kweluphenyo lwekomiti yeSigungu saVelonkhe mayelana ngekukhishwa kwalowo muntfu esikhundleni; futsi
 - (b) kumele amkhiphe umuntfu esikhundleni uma Sigungu saVelonkhe sitsetse sincumo lesitsi lowo muntfu akakhishwe.