

**UMTHETHO WOKUTHUTHUKISA UKULINGANA NOKUVIMBELA IBANDLULULO
ELINGAKAFANELI UMTHETHO 4 KA 2000**

[KUVUNYELWENE NGAWO NGE 2 FEBREBARI 2000] [ILANGA LOKUTHOMA UKUSEBENZA: 16
JUNI 2003]

(Ngaphandle kobana kutjhugululiwe)

(UMtlole wesiNgisi otlikitlwe nguMongameli)

Njengobana utjhugululiwe

UmThetho oTjhugululiweko wokuThuthukisa ukuLingana kunye neBandlelulo elingaFaneli umThetho 52
ka 2002

UmThetho 55 ka 2003 oTjhugululiwe kweSibili weeNdaba zoBulungiswa

UmThetho 22 ka 2005 oTjhugululiweko weeNdaba zoBulungiswa

UMTHETHO

Ukusebenza kwendima 9 efundwa ne-ayithemu 23(1) YeTjheduli 6 yomThetho-sisekelo weRiphabhuliki ye Sewula Afrika, 1996, kukukhandela nokuvimbela ibandlelulo elingakafaneli kunye nokuthlorisa; kuthuthukisa ukulingana nokuqeda ibandlelulo elingakafaneli; kukhandela nokuvimbela ikulumo yamazondo; nokutjheja iindaba eziphathelele nayo. Isendlalelo

Ukulinganiswa kombuso wentando yenengi enarheni yekhethu kufuna kobana siqede ukungalingani ngokwezehlalakuhle kunye nezomnotho, khulukhulu sitjheje izinto ebeziyikambiso yemvelo, lezo esazifumana emlandwini wethu zilethwa bukoliniyali, mbuso webandlelulo kunye nekoledo yokulawula yabantu bembaji, ekungiyi eyaletha ukuthlaga ebantwini abanengi bekhethu;

Nanyana iragelo phambili selenziwe ekutjhugululeni umphakathi wekhethu kunye neenhlango zazo, ukungalingani kunye nebandlelulo elingakafaneli kusesekhona emiphakathini yekhethu. Lokho kunyaza irhuluphelo lomThetho-sisekelo wentando yenengi; Isisekelo seragelo phambili sokutjheja kabutjha ubujamo lobu kumumethwe Mthetho-sisekelo, kufaka hlango, ukusekela, amagugu wesithunzi sobuntu, ukulingana, itjhaphuluko, kunye nobulungiswa boMphakathi obubumbeneko, nomphakathi ongakhethi ubuhlanga nobulili, koke lokho kuzakuthuthukiswa;

I-Sewula Afrika ineembopho ezibophelele ngazo zeenthabatjhaba ezingaphasi kweemvumelwano ezisibopho kunye nomThetho wesintu wentjhabatjhaba ekorweni yezamalungelo wobuntu ekungiyi athuthukisa ukulingana nokuvikela ibandlelulo elingakafaneli. Phakathi kwalezi mbopho kunezinye ezavezwa emhlanganweni owawukade ukhona wokuQeda Zoke lindlela zeBandlelulo kiboMma kunye noMhlangano wokuqeda zoke lindlela zeBandlelulo loBuhlanga; Indima 9 yomThetho sisekelo ikhuthaza ukuphasiswa komThetho wenarha wokobana kuvimbelwe nofana kukhandelwe ibandlelulo elingakafaneli kunye nokuphumelelisa ukulingana;

Lokhu kutjho ukuthuthuka, kwezomthetho kunye nakweminye imikhakha, ebantwini egade badinywe amathuba, imiphakathi kunye neenhlango zomphakathi ezathathelwa inarha yabo kunye neensetjenziswa, ukumukwa isithunzi sabo sobuntu esibenze batlhaga ngebanga lalomphumela; UmThetho lo ulinga ukwenza lula itjhuguluko emiphakathini wombuso wentando yenengi, iinhlango ezibumbeneko, ezinethshwayo lokuzwana kwabantu abanethlogomelo nobuntu, ebakhambisana nemigomno yokulingana, ukunikelwa ithuba ngokulingana, ukulingana ngakho koke, iragelo phambili lomphakathi, zobulungiswa, isithunzi sobuntu kunye netjhaphuluko.

AWUPHISISWE KE yiPalamende ye Riphabhuliki yeSewula Afrika, ngalendlela elandelako:-

OKUNGAPHAKATHI

ISAHLUKO 1

**IINHLATHULULO, IMINQOPHO, UKURHUNYUTJHWA, UMHLAHLANDLELA- WEKAMBISO LAWULO
NOKUSEBENZA KOMTHETHO**

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- 3 Ukurhunyutjwa komThetho
- 4 Umhlahlandlela wekambiso lawulo
- 5 Ukusebenza komThetho

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- 28 Amagadango akhethekileko wokukhuthaza ukulingana mayelana nobuhlanga, ubulili/ kunye nokukhubazeka
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ISAPHLUKO 6

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 34 Imithetho lawulo enqophileko mayelana nomulwana obanga intumbantonga HIV/AIDS, enarheni mazombe, ubujamo bomnotho kunye nokuzinikela komndeni kunye nobujamo
 35 Isihloko esifitjhani nesithomo

**ISAHLUKO 1
 IINHATHULULO, IMINQOPHO, UKURHUNYUTJHWA UMHLAHLANDLELA-KAMBISO
 NOKUSEBENZA KOMTHETHO**

1 Ihlathululo

- (1) KilomThetho, ngaphandle kobana lomtlole utjho okhunye-
 ‘**unyaka**’ kufaka hlangana ubujamo bokudinywa amathuba kunye nokuthlagiswa kwabantu ngebanga leminyaka, khulukhulu iminyaka esele ikhambile;
 ‘**unobhala wekhotho yokulingana**’ Kutjho umabhalana wekhotho yokulingana oqatjiwejo nofana okhethiweko ngokuya kwendima 17, efundwa nesigaba 31, esitjho umabhalana;
 ‘**IKomitjhana yokuLingana koBulili**’ Kutjho ikomitjhana yokulingana kobulili evezwe endimeni 187 yo Mthetho-sisekelo;
 ‘**umangali**’ kutjho omunye nomunye umuntu orhononelwa kobana wephule umThetho lo begodu ofuna kube nokulalelwa kwesinghonyoyilo sakhe ngokuya komThetho lo;
 ‘**umThetho-sisekelo**’ kutjho umThetho-sisekelo weRiphabhuliki ye Sewula Afrika, 1996 (UmThetho 108 ka 1996);
 ‘**ihlangano ebekwe Mthetho-sisekelo**’ Kutjho enye nenye ihlangano esekela umThetho-sisekelo wentando yenengi ekuvezwe esahlukweni 9 soMthetho-sisekelo begodu kufaka neBhodi yamaLimi woke weSewula Afrika;
 ‘**uMnyango karhulumende**’ kutjho uMnyango wezoBulungiswa kunye nokuthuthukiswa komThetho-sisekelo;
 ‘**IBandlululo**’ kutjho isenzo nofana ukungayeleli, kufaka hlangana umThetho-mgomo, umThetho- Siqunto, ukusebenza komThetho kunye nobujamo obunqophileko nofana obungakanqophi;
 (a) ukwenza kubebudisi, ukwenza isibopho namkha ukudima umuntu amathuba namkha
 (b) ukugodla iinzuzo, amathuba nofana iragelo phambili lomunye nomunye umuntu ngeendlela ezithile ezingakavunyelwa;
 ‘**ukulingana**’ kufaka hlangana ukuthabela amalungelo netjhaphuluko ngokuzeleko ngokulinganako njengobana kuvezwe Mthetho-sisekelo kufaka hlangana ukulingana ngokuya komThetho kunye nokulingana emva kwemiphumela;
 ‘**ikhotho yokulingana**’ kutjho ikhotho evezwe endimeni 16 efundwa nesigaba 31, kufaka isikhombiso senye nenye ‘ikhotho’
 ‘**ukuzibophelela komndeni**’ kutjho ukuzibophelela okumayelana nomlingani womangali, umhlalisanakhe, owondlwa nguye, umntwana namkha amanye amalunga womndenakhe lapho ilunga kumele lithlogomele belisekele umndeni;
 ‘**ubujamo bomndeni**’ kufaka hlangana ubulunga bondeni kunye namalungelo wezehlalakuhle, wamasiko newomThetho kunye nalokho ekulindelweko mayelana nobujamobo;
 ‘**ukuthlorisa**’ kutjho ukuziphatha okungafunekiko umuntu angafuni ukukulahla nofana obuhlambalazako, nofana obenza kutjhube nofana ukuthusela namkha ukuthusela kwamambala ekuba nomphumela omumbi okumayelana noko-
 (a) komseme, kobulili nofana kokuzibandakanya kwezomseme nobulili umuntu abuthandako;
 (b) nokobulunga bomuntu namkha ubulunga nesiqhema esivinjelwako namkha umukhgwisa isiqhema lesi ezizibandakanye nawo;
 ‘**Intumbantonga (HIV/AIDS)**’ kufaka hlangana kwamambala, nofana ukuba khona komulwana obanga intumbantonga emzimbeni womuntu (HIV) nofana iinkhombiso zentumbantonga (AIDS), begodu nokuqagela okungakafaneli mayelana nobujamo bobulwelwe lobo;
 ‘**ubulilimbili**’ kutjho izitho zangaphasi umuntu abelethwe nazo ezihlukileko ezingezamambala,

nanyana ngezinjani;

[Ihlathululo yobulilimbili ifakiwe ku s. 16 (a) yomThetho 22 ka 2005.]

'ubujamo bomtjhado' kufaka hlangana ubujamo bokuba wedwa, bokutjhada nomuntu, besahlukaniso, bokubhujelwa mlingani namkha ukwenza isikhozi sethando nomuntu obulili obufanako, kufaka hlangana ukuzibophelela ekusekeleni isikhozi;

'uNgqongqotjhe' kutjhiwo uNgqongqotjhe wezoBulungiswa nokuThuthukiswa komThetho-sisekelo;

'ubunarha' kutjho imvelaphi kufaka hlangana izenzo ezihlangene nobuhlanga bobuzwe kunye nebandlululo lendalo kodwana alifaki amalungelo nokuzibophelela ekuphathelene nobunarha;

'umuntu' kufaka hlangana umuntu osemthethweni, abangekho emthethweni, isiqhema sabantu;

'ukubasidisi' kufaka hlangana obunye nobunye ubujamo bokuzithwala, ukufuna ukuzithwala, ukukghonakala kokuzithwala, ukurhulula umbungu;

'ukukhutjwa komlayo' kutjho ukukhutjwa komlayo okwenziwe Mthetho-mlayo ngokuya komThetho lo;

'Isiphathiswa sekhotho' kutjho isiphathiswa sekhotho yokulingana esivezwe endimeni 16, esifundwa nendima 31;

- **'ngilobu ubujamo obungakavumeleki'** -

- (a) ngokobuhlanga, ubulili, umseme, ukubasidisi, ukukhubazeka, ikolelo, ubujamo bokutjhada, ubutjhaba nofana imvelaphi yomuntu, ukuzibandakanya kwezomseme nobulili abuthandako, ibala, unyaka, unembeza, ikolelo, isiko, ilimi namabeletho; nofana
- (b) *Obunye nobunye ubujamo bebandlululo obusekela ubujamo lobo*
 - (i) iimbangela ezidima abantu amathuba;
 - (ii) ukunyaza isithunzi sobuntu;
 - (iii) ukulimaza okuthinta ukuthabela amalungelo komuntu kunye netjhaphuluko elingendlela eqathaniswa nebandlululo njengobana kutjho indima (a);

'umThetho lawulo' kutjho umThetho lawulo ngokuya komThetho lo;

'umangalelwa' kutjho omunye nomunye umuntu omangalelweko ngokuya komThetho lo;

'umkhakha' ovezwe endimeni 29, begodu ufaka neminye imikhakha evezwe kutjheduli;

'ubulili' kufaka hlangana ukuba bulilimbili;

[Ihlathululo yomseme ifakwe yi s.16 (b) yomThetho 22 ka 2005]

'ubujamo bezomnotho nehlahalakhule' kufaka hlangana ubujamo bezehlahalakhule nomnotho nofana ubujamo obukhona bomuntu othlagako, abasebujameni bokuqatjhwelwa imisebenzi ephasi nofana abanefundo ephasi;

'iKomitjhana yamaLungelo woBuntu ye Sewula Afrika' kutjho ikomitjhana yamalungelo wobuntu yeSewula Afrika evezwe endimeni 184 yomThetho-sisekelo;

'uRhulumende' kufaka hlangana-

- (a) omunye nomunye umNyango kaRhulumende nofana ukuphatha kurhulumende omkhulu, ophakathi kunye newemakhaya;
- (b) enye nanye ihlangano kaRhulumende-
 - (i) ezakusebenzisa amandla namkha ukusebenza ngokuya komThetho-sisekelo namkha ngokuya komThetho-sisekelo wesiFunda;
 - (ii) ezakusebenzisa amandla wombuso nofana ukusebenzela umbuso ngokuya komunye nomunye umThetho namkha ngaphasi komThetho wendabuko .

'IomThetho' Ufaka hlangana umThetho lawulo omunye nomunye ngokuya komThetho lo;

[Ilanga lokuthoma ukusebenza kwe s 1: 1 Septemba 2000]

2 Okumumethwe Mthetho

okumumethwe Mthetho ngilokhu-

- (a) kuphasisa umThetho ngokuya kwendima 9 yomThetho-sisekelo;
- (b) kusebenza komtlole nokukhuthaza umoya womThetho sisekelo-
 - (i) kuthabela amalungelo ngokulinganako kunye netjhaphuluko komunye nomunye umuntu;
 - (ii) kuthuthukisa ukulingana;
 - (iii) kuziphatha kokungakhethi ubuhlanga nokungakhethi ubulili ekuvezwe endimeni 1 yomThetho-sisekelo;

- (iv) kukhandela ibandlululo elingakafaneli nokuvikela amalungelo wobuntu njengobana kuvezwe endimeni 9 no 10 bomThetho-sisekelo;
- (v) kukhandela ukubhebhethaka kokuzondana, ekubangwa buhlanga, butjhabatjhaba, bulili nofana yikolo, ebanga inturhu nengenza kube nokulimazana njengobana kuvezwe endimeni 16 (2) (c) yomThetho-sisekelo kunye nendima 12 yomThetho lo;
- (c) kuveza amagadango azakwenza lula kobana kuqedwe ibandlululo elingakafaneli, ikulumo yamazondo nokuthlorisa, khulukhulu kuthinta ubuhlanga, ubulili kunye nokukhubazeka;
- (d) kuveza iinkambiso ezibanga ibandlululo elingakafaneli;
- (e) kuveza amagadango wokufundisa abantu nokubayelelisa mayelana nokuqakatheka kokuthuthukisa ukulingana nokulwa nebandlululo elingakafaneli, ikulumo yamazondo kunye nokuthlorisa;
- (f) kuvela nepengu kibongazimbi abathintwe libandlululo elingakafaneli, ikulumo yamazondo nokuthloriswa kunye nabantu amalungelo wabo wokulingana athloriswe khona;
- (g) kuveza amagadango angathathwa wokubonelela abantu ebathintwa libandlululo elingakafaneli;
- (h) kukhona kobana kukhanjiswa nomThetho osibopho weentjhabatjhaba kufaka hlanguka isibopho sokuthula soMbuthwano SokuQeda iBandlululo loBuhlanga ngazo Zoke lindlela kunye noMbuthwano wokuQeda iBandlululo ngazo zoke iindlela kiboMma. [Ukuthoma kokusebenza kwe s. 2: 1 Septemba 2000.]

3 Ukurhunyutjha komThetho

- (1) Omunye nomunye umuntu osebenzisa lomThetho akawurhumutjhe kobana-
 - (a) UmThetho-sisekelo, uveza ukuthuthukisa ukulingana ngokuya komThetho ebekwe Sibethamthetho kunye namanye amagadango enziweko wokuvikela nofana wokubonelela abantu ekade bathintwa libandlululo elingakafaneli esikhathini esadlulako nagadesi;
 - (b) Isendlalelo, okumumethweko mhlahlandlela-lawulo kilomThetho, kuzalisa ukukhuthaza, ukunqophisa nalokho okumumethwe Mthetho lo.
- (2) Omunye nomunye umuntu orhumutjha lomThetho akadlumbane ukuba khona-
 - (a) komunye nomunye umThetho ophathelene nofana osebenza kuhle ngokuya komThetho obekiweko
 - (b) UmThetho wentjhabatjhaba, khulukhulu iimvumelwano zeentjhabatjhaba ezivezwe endimeni 2 kunye nomThetho wamasiko wentjhabatjhaba;
 - (c) Ukuqathaniswa kwemithetho yeeNarha zangaphandle.
- (3) Omunye nomunye umuntu osebenzisa lomThetho namkha orhumutjha lomThetho kufanele atjheje ubujamo bombango kunye nomnqopho womThetho lo. [Ilanga lokuthoma ukusebenza kwe s. 3:1 Septemba 2000]

4 Umhlahlandlela wekambiso lawulo

- (1) Ekulamuleni kwesinye nesinye isinghonyoyilo esenziweko ngaphasi komThetho lo, lezi kuziinkambiso lawulo ekumele zenziwe:
 - (a) ukulalelwa kwamsinyana kwamacala, ekwenza kube lula ukuzibandakanya komangali nomangalelwa ekulalelweni kwecala;
 - (b) ukufumaneka kwezobulungiswa kibo boke abantu kunye namaforamu wokurarulula iimbago;
 - (c) Ukusetjenziswa kwemilayo yekambiso ngokuya kwendima 19 kunye nendlela engasetjenziswa yokuzibandakanya;
 - (d) ukusebenzisa iindlela ezilungisako ngokubambisana neendlela ezisetjenziswako zendalo;
 - (e) ukuthuthukiswa kwamakghono akhethekileko nomthamo wabantu abasebenzisa lomThetho kobana kuqiniseke ukusebenza nokuphathwa komThetho lo
- (2): Ekusebenzeni komThetho lo lokhu okulandelako kumele kuyelelwe bekutjhejwe:
 - (a) ukubakhona kwebandlululo zombelele nokungalingani, khulukhulu mayelana

nobuhlanga, ubulili nokukhubazeka kiyo yoke imikhakha yamaphilo wethu ekwabangelwa libandlululo elingakafaneli lakade nelagadesi, elaletwa bukoliniyali, Mbuso webandlululo kunye nokwengamela kwabantu bembaji; godu

- (b) nefuneko yokobana kuthathwe amagadango wokulwa nebandlululo nokungalingani.
[Ilanga lokuthoma ukusebenza kwendimana- s. (2): 1 Septemba 2000]

5 Ukusebenza komThetho

- (1) LomThetho ubophelela urhulumente kunye nabantu boke.
(2) Nangabe kunokutjhayisana mayelana nendaba emumethwe ngilomThetho nofana komunye nomunye umThetho, ngaphandle komThetho-sisekelo namkha umThetho obekwe yiPalamende otjhugululiliweko, ukusebenza kwalomThetho kumele kwamukelwe.
(3) LomThetho awuzakusebenza komunye nomunye umuntu begodu nalapho kusebenza khona UmThetho wokuLingana eMsebenzini, 1998 (UmThetho 55 Ka1998)
[Ilanga lokuthoma ukusebenza kwe s. 5: 1 Septemba 2000]

ISAHLUKO 2

UKUVIMBELA, UKUKHANDELA NOKUQEDA IBANDLULULO ELINGAKAFANELI, IKULUMO YAMAZONDO NOKUTHLORISA

6 Ukuvimbela nokukhandela kwazombebele kwebandlululo elingakafaneli

Akukavumeleki, ingaba nguRhulumente namkha umuntu angabandlulula omunye umuntu ngendlela engakafaneli.

[Ukuthoma kokusebenza kwe s. 6: 1 Septemba 2000]

7 Ukukhandelwa ibandlululo elingakafaneli lobuhlanga

Ngokuya kwendima 6, akunamuntu ozakubandlulula omunye mayelana nobuhlanga, kufaka hlangana-

- (a) ukuphadhlalajwa kweendaba ezithatha ihlangothi namkha imibono, ezibeka obunye ubuhlanga phezulu namkha ukunyaza umuntu, kufaka hlangana ukurhuga, nofana ukuzibandakanya kwenye nanye inturhu yobuhlunga;
(b) ukuzibandakanya komunye nomunye umsebenzi onerhuluphelo lokuthuthukisa, nofana eliba nomthelela ekuthuthukisweni, emalungelweni, aqalene nobuhlanga;
(c) ukuninwa komuntu wobunye ubuhlanga okumayelana nekambiso ebonakala isemthethweni kodwana inqophe ukunina ezinye iihlanga;
(d) ukuragela phambili kokunikela iinsetjenziswa ezincani kwezinye iihlanga nakuqathaniswa nezinye iihlanga;
(e) ukwalela abanye ukuba namathuba, kufaka hlangana iinsetjenziswa nofana amathuba wesivumelwano wokwenza imisebenzi, nofana ukubhalelwa ukuthatha amagadango wokwamukela iindingo zabantu labo.

8 Ukukhandela ibandlululo elingakafaneli mayelana nobulili

Ngokuya kwendima 6, akunamuntu ozakubandlulula omunye umuntu ngendlela engakafaneli mayelana nobulili, kufaka hlangana-

- (a) inturhu yobulili;
(b) ukuqintwa kwezitho zangaphasi zabantu bengubo;
(c) indlela yokuvimbela abantu bengubo kobana bangabi ziindlalifa zepahla yomndeni;
(d) indlela ekwenziwa ngayo izinto kufaka hlangana iindaba zamasiko nofana zekolo, ezehlisa isithunzi sabantu bengubo nezinyaza isithunzi sokulingana phakathi kwaboMma namadoda, kufaka hlangana nokunyaza isithunzi sokuba mntazanyana;
(e) omunye nomunye umThetho mgomo nofana isenzo esikhandela aboMma bangabi namalungelo wokuba nenarha, imali kunye nezinye iinsetjenziswa;
(f) ukubandlulula ngebanga lokuba sidisi;
(g) ukukhandela aboMma kobana bafumane iinsetjenziswa zehlalakuhle, ezifana njenge

- (h) zamaphilo, zefundo, kunye nezokuthlogonyelwa komphakathi; Ukudima amathuba, kufaka hlangana ukufumana iinsetjenziswa nofana amathuba wesivumelwano sokusebenza, nofana ukwehluleka ukuthatha amagadango wokubonelela iimfuno zabantu labo;
- (i) Ukungafumani amathuba ngokulingana ekwenzeka kiboMma ngembangela yokwahlukana kobulili emsebenzini.

9 Ukukhanda ibandlululo elingakafaneli mayelana nokukhubazeka

Ngokuya kwendima 6, akunamuntu ozakubandlululwa ngebanga lokukhubazeka kufaka hlangana-

- (a) Ukudima umuntu okhubazekileko, esinye nesinye isisetjenziswa esisetjenziswa mphakathi;
- (b) ukwaphula imilayo ye South African Bureau of Standard leyo elawula ibhoduluko;
- (c) ukwehluleka ukuqeda iinrhobe ezikhandela abantu abakhubazekileko kobana nabo bathabele amathuba alinganako namkha ukwehluleka ukuthatha amagadango wokubonelela iindingo zabantu labo.

10 Ukukhanda ikulumo yamazondo

(1) Ngokuya kwendima 12, akunamuntu ozakugadangisa, athule nofana atole ikulumo engakavunyelwa komunye umuntu, ikulumo ekhombisa umnqopho woku-

- (a) limaza;
- (b) elimazako nofana ekhombisa ukulimaza;
- (c) ethuthukisa nofana etjhotjhozela amazondo.

(2) Ukunganikelwa amandla wokusebenza ngokwaneleko ngaphasi kwalomThetho, ikhotho ngokuya kwendimana 21 (2) (n) Nakunefuneko ingadlulisela omunye nomunye umlandu omayelana nokugadangiswa, wokukhuthaza, wokuphadhlalaja nofana wokuthintana ngekulumo yamazondo njengobana kuvezwe endimani (1) kuMnqophisi wezokuTjhotjhiswa koMphakathi onamandla wokuphatha ihlangano yokulalelwa kwemilandu yobelesi ngokuya komThetho obekwe yinarha.

11 Ukukhanda ukuthlorisa

Akunamuntu ozakuvunyelwa ukuthlorisa omunye.

12 Ukukhanda kokuphadhlalaja nokugadangisa ilwazi elinebandlululo elingakafaneli

Akunamuntu onga-

- (a) phadhlalaja nofana arhatjhe elinye nelinye ilwazi;
- (b) ngagadangisa nofana aveze esinye nesinye isikhangiso namkha isaziso

esinqophe nofana esikhombisa ngokubonakalako ukubandlulula okungakafaneli emntwini: Kufaka hlangana umsebenzi wamambala wobukghwari, wefundo ephezulu nerhubhululo lesayensi, umbiko omuhle nopheleleko emphakathini nofana ukukhupha elinye nelinye ilwazi, isikhangiso, nofana isaziso ngokuya kwendima 16 yomThetho-sisekelo, ayikabekelwa ngaphandle kwalendima.

ISAHLUKO 3

UKUZIBOPHELELA KOKUVEZA IPHUZU NESIQUANTO SOKUFANELEKO NOKUNGAKAFANELI

13 Ukuzibophelela kokuveza iphuzu

- (1) Nangabe umangali wenza icala elinganabufakazi lebandlululo-
 - (a) umangalelwa akabonise, amaphuzu phambi kwekhotho, kobana ibandlululo akhenge libe khona njengobana kurhononelwa; namkha
 - (b) umangalelwa akabonise kobana isenzo lesi sivumelekile.
- (2) Nangabe ibandlululo lenzekile-
 - (a) Ngobujamo besigaba (a) nakuhlathululwa ubujamo 'obungakavumeleki', kutjho bonyana akunaqiniso- ngaphandle kobana umangalelwa akhombise kobana ibandlululo lifanele;
 - (b) Ngokwesenzo sesigaba (b) sokuhlathulula izenzo ezingakavumeleki; kutjho bonyana akukafaneli-
 - (i) Nangabe ubujamo obuvezwe esigabeni (b) sokuhlathulula isenzo

- esingakavumeleki kuyasungulwa; godu
 (ii) Ngaphandle kobana umangalelwa akhombise isiqiniseko sokabana ibandlululo lifanele;

14 Isiquqo esifaneleko nesingakafaneli

(1) Akusilibandlululo elingafaneli lokuthatha amagadango atlanywe kobana avikele abantu ebathintwe libandlululo elingafaneli.

(2) Ekutjhejeni umangalelwa ekukhombiseni kwakhe bonyana ibandlululo lifanele, lokhu okulandelako akuyelelwe:

- (a) ubujamo;
 - (b) iimbangela esivezwe endimaneni (3);
 - (c) kobana ngabe ibandlululo likghona ukwenza umahluko ebantwini ngendlela elizijamele ngayo, nendabuko yalo.
- (3) Iimbangela ezivezwe endimaneni (2) (b) zifaka hlangana lokhu okulandelako:
- (a) kobana ngabe ibandlululo liyalimaza nofana lithanda ukulimaza isithunzi sobuntu;
 - (b) liba nomthelela nofana lifuna ukuba nomthelela kiloyo onghonghoyilako;
 - (c) isikhundla somnghonghoyili emphakathini nofana uzakubonakala njengomuntu othathelwa phasi nofana ungewesiqhema esithathelwa phasi;
 - (d) Imvelaphi nokwanda kwebandlululo;
 - (e) mhlamunye ibandlululo yindalo;
 - (f) mhlamunye ibandlululo limnqopho osemthethweni;
 - (g) mhlamunye ibandlululo linomnqopho elifuna ukuwuzalisa;
 - (h) mhlamunye kumagadango angakalungi afuna ukuzalisa umnqopho;
 - (i) mhlamunye umangalelwa uthethe amagadango afaneleko akatelelwa bujamo bokwenza lokhu-
 - (i) ukutjheja ubumbi obuvela ebandlululweni lezenzo ezingakavunyelwa;
 - (ii) wamukela imihlobo yabantu

15 ikulumo yamazondo ukuthloriswa akuweli ngaphasi kwesiquqo esifaneleko

Emacaleni wekulumo yamazondo nokuthloriswa indima 14 ayisetjenziswa.

ISAHLUKO 4 AMAKHOTHO WOKULINGANA

16 Amakhotu wokuLingana kunye neemphathiswa zawo

(1) Umnqopho womThetho lo ngokuya kwendima 31-

- (a) enye nenye ikhotu ekulu yikhotu yokulingana endaweni ephethwe yikhotu ekulu;
- (b) elinye nelinye ijaji, ngokuya kwendimani (2), lizakukhethwa ngokobana kutlolwe phasi liJaji elinguMongameli kobana libe siPhathiswa sekhotu yokulingana endaweni ephethwe yikhotu nangabe umuntu loyo liJaji;
- (c) uNgqongqotjhe kufanele, emva kokubonisana naloyo oyihloko yesifunda esiphetheko ovezwe endimeni 1 soMthetho wamaKhotu waboMarhastrada, umThetho 32 ka 1944, ngokwazisa emtloweni kaRhulumende-
 - (i) akhethe yinye nofana amakhotu ambalwa wabomarhastrada njengamakhotu wokulingana esifundeni esiphethweko;
 - (ii) ahlathulule indawo ephethwe yikhotu yokulingana, emumethe iimfunda, kunye neendawo eziphethwe yikhotu ezisungulwe ngokuya kwendima 2 yomThetho waboMarhastrada, umThetho ka 1944;
 - (iii) andise nofana aphungule ubuphathi bendawo eziphethwe yikhotu yokulingana kenye nenye ikhotu yokulingana;
 - (iv) akhethe yinye yeendawo nofana ezinengana endaweni ephethwe yikhotu yokulingana kobana enye nenye ikhotu yokulingana ibe nokulalelwa kweenghonyoyilo;
 - (v) akhuphe nofana angakhambisani nesaziso esingaphasi kwesigaba lesi:

Kufaka hlangana kobana okunye nokunye ukulalwelwa kwesinghonyoyilo okusajanyisiweko ekhotu

yokulingana ekungakaqedwa ngakho ngesikhathi sokukhutjwa kwesaziso *kuGazethi* njengobana kuvezwe esigabeni lesi, kumele kuqedwe yikhotho, nangabe isaziso lesi asikakhutjwa;

[Isigaba (c) sikhutjwe yi s. 28 soMthetho 55 ka 2003.]

- (d) oyihloko yesifunda ovezwe endimeni (c) ufanele, ngokuya kwendimana (2), akhethe ngokutlola phasi umarhastrada nofana angezelele ngomunye umarhastrada njengesiphathiswa sekhotho yolulingana.

(2) LiJaji kwaphela, umarhastrada owaqeda isifundo bandulo sokuba siPhathiswa sekhotho yokulingana-

- (a) ngaphambi kwedeyithi yokuthoma kwendima 31; nofana
(b) njengobana kuvezwe endimeni 31(4),

Begodu loyo ibizo lakhe elifakwe erherhweni elivezwe endimaneni 4 (a), angakhethwa ngokuya kwendimana (1).

(3) UMongameli wamaJaji kunye neenhloko eziphethe iimfunda kufanele-

- (a) bathathe amagadango azwakalako ngeensetjenziswa ezikhona kobana bakhethe sinye isiphathiswa kenye nenye ikhotho yokulingana endaweni ephethwe yikhotho leyo;
(b) Ngaphandle kokuriyada, babikele UmNqophisi- Zombebele woMnyango mayelana nejaji, marhastrada osele aqede iifundo bandulo ezivezwe endimaneni 31 (4) no (5) nofana okhethwe ngokuya kwendimamana (1).

(4) UmNqophisi-Zombebele woMnyango kumele atlame bekabe nerhelo lamabizo welinye nelinye ijaji, marhastrada nabomarhastrada abangezelelako, esele ba

- (a) baqede iifundo bandulo ezivezwe endimeni 31 (4) no (5); namkha
(b) okhethwe njengesiphathiswa sekhotho yokulingana ngokuya kwendimana (1).

(5) Isiphathiswa kumele senze imisebenzi besisebenzise namandla esinikelwa wona ngokuya komThetho lo nofana omunye umThetho.

[S. 16 ukhutjwe ngu s. 1 womThetho 52 ka 2002

17 Abonobhala bamakhotho

(1) (a) Ngokuya kwendimana (2) kunye nemithetho elawula iminyango karhulumente, umNqophisi-Zombebele woMnyango anga, kenye nenye ikhotho yokulingana, akhethe munye nofana abanengana bemphathiswa zombuso , ngokuya komThetho obekiweko, njengonobhala wekhotho yokulingana, okufanele ngokuzeleko arhelebhe ikhotho ngokuya komsebenzi anikelwe wona kobana ikhotho ikwazi ukusebenza nokobana ngubani okumele enze umsebenzi anikelwe wona.

[Indima. (a) Ikhutjwe yi s. 2 (a) yomThetho 52 ka 2002]

(b) Nangabe unobhala wekhotho yokulingana ngesizathu esithile uyahluleka ukwenza ngendlela ekutjhiwo ngayo nofana nangabe akhekho unobhala okhethiweko kobana asebenze ekhotho yokulingana ngaphasi kwendima (a), isiphathiswa esikhona, ngaphandle kwaleso esivezwe endimaneni (2), angakhetha esinye nesinye isiphathiswa somNyango kobana sibambe njengonobhala lokha unobhala ekukhulunywe ngaye anganabukhgoni nofana bekufike isikhathi lapho kukhethwa unobhala ngokuya kwendima (a).

[Indima (b) ikhutjwe yi s. 2 (a) yomThetho 52 ka 2002]

(2) Kwaphela siphathiswa soMbuso nofana umuntu ovezwe endimaneni (1) (a) osele aqede isifundo bandulo sokuba ngunobhala wekhotho yokulingana-

- (a) ngaphambi kwelanga lokuthoma ukusebenza kwe ndima 31; nofana
(b) njengobana kuvezwe endimeni 31 (6),

begodu nalabo amabizo wabo afakwe erhelweni elivezwe endimaneni (3), bangakhethwa ngokuya kwendimana (1) (a).

[Indimamana (b) ikhutjwe ngu s. 2 (a) yomThetho 52 ka 2002]

(3) UmNqophisi-Zombebele womNyango kumele atlame bekabe nerhelo lamabizo wesinye nesinye isiphathiswa soMbuso nofana umuntu o-

- (a) osele aqede isifundo bandulo esivezwe endimeni 31 (6);
(b) okhethwe njengonobhala wekhotho yokulingana ngokuya kwendimana (1) (a)

[Indimana 3 ifakelelwe ngu s.2 (b) womThetho 52 k 2002.]

(4) UMnqophisi Zombebele anga, ngokuya kobujamo nangokuya kwesiqunto sakhe, atlole phasi ukunikela ngamandla wakhe esiphathisweni esiqatjwe Mnyango begodu angatjhuqulula namkha

abekele isiqunto esithethwe Siphathiswa esinikelwa amandla ngeqadi.

[indimana (4) ifakelelwe ngu s, 29 womThetho 55 ka 2003.]

18 AboFakazi

Ukubizwa kwabofakazi nemali yokubhadela abofakazi mayelana nokungenzeka kokusebenza komThetho lo kumele isiqunto sithathwe nguNgqongqotjhe ngendlela ebekiweko.

19 Imilayo kunye neenkambiso zekhotho

(1) Ngaphandle kobana kuvezwe kilomThetho, ukuvezwa komThetho waboMarhastrada, ka 1944, (umThetho 32 Ka 1944), Kunye nomThetho weKhotho eKulu ka 1959 (umThetho 59 Ka 1959), neenkambiso ezibekiweko kunye neenkambiso ezibikwe ngokuya kweeNkambiso zoMthetho weBhodo yamaKhotho womThetho, umThetho ka 1985 (umThetho 107 ka 1985, uza namatjhuguluko mayelana nomujamo bamakhotho lomThetho ukhambisana nalokhu-

- (a) nokuqatjiswa nemisebenzi yeemphathiswa zoMbuso;
- (b) nekambiso yokusebenza;
- (c) nokulalelwa kwekambiso yesahlulelo nomlayo
- (d) nokwahlulela kokungakhambisani nomlayo wekhotho, ukungavumelani nesahlulelo nomlayo, nokunyaza ikhotho;
- (e) namandla wokuphatha, kukhambisana nendimamana (3),

Begodu ukufikela lapha akukho ekuveziweko emthethweni-lawulo ongaphasi kwendima 30 yomThetho.

(2) Ukulalelwa kwemilandu akwenzeki ekhotho evulelwe woke umuntu, ngaphandle kobana ikhotho yale ngebanga lezokuphathwa kobulungiswa.

(3) (a) Ngokuya kwesigaba (b) akukho ekukhiphela ukulalelwa komlandu yikhotho kamaRhastrada ngaphandle njenge khotho yokulingana kobana nayo ikhuphe umlayo ovezwe endimeni 21 (2) engaphezu kwe kwelawulo lekhotho kamarhastrada, lapho umlayo kumele uthunyelwe ngendlela yakhona ejajini leKhotho eKulu elinamandla elinikelwe wona.

(b) Ukusebenza kwendima (a) ekumayelana nokuvumelana komlayo, izakuhlehliswa bekufike isikhathi sokuphethwa kokudluliswa komlandu ekhotho yenghonyayo ekuvezwe endimeni 23.

20 IinHlangano zokulalelwa kwamacala ngokuya komThetho lo

(1) Ukulalelwa kwamacala ngokuya komThetho lo kungenziwa-

- (a) ngomunye nomunye umuntu ozenzela yena;
- (b) omunye nomunye umuntu ojamele umuntu ongakhoni ukuzijamela ebizweni lakhe;
- (c) omunye nomunye umuntu ojamele ubulunga besiqhema sabantu;
- (d) omunye nomunye umuntu ojamele umphakathi;
- (e) enye nanye ihlangano ejamele amalunga wayo;
- (f) ikomitjhana yamaLungelo woBuntu yeSewula Afrika namkha iKomitjhana yokuLingana koBulili.

(2) Umuntu ofuna bonyana umlandwakhe ulalelwe ngokuya komThetho lo, ngendlela yakhona, kumele abikele unobhala wekhotho yokulingana mayelana nalokho afuna ukukwenza.

(3) (a) Unobhala wekhotho kumele, emva kokwamukela isaziso lesi, adlulisele indaba le esiphathisweni sekhotho yokulingana, ekunguye ekumele ngaphambi kwesikhathi esibekiweko, athathe isiqunto sokobana indaba le ingalalelwa ekhotho yokulingana namkha kumele idluliselwe kwenye ihlangano esebenza ngeendaba lezi nofana kwenye ikhotho, kwenye iforamu (ezakuthathwa njengeforamu yesijamiso sekhotho), ngombono wesiphathiswa sekhotho, iforamu esijamiso ingasebenza ngendlela efaneleko ngokuya kwamandla nomsebenzi enikelwe wona.

(b) Nangabe isiphathiswa sekhotho sithatha isiqunto sokobana indaba le izakulalelwa ekhotho yokulingana, isiphathiswa sekhotho asidlulisele indaba le kunobhala wekhotho, ekunguye ekumele abeke ilanga lokulalelwa kwendaba le.

(4) Isiphathiswa sekhotho, ngaphambi kobana sithathe isiqunto ngokuya kwendimana (3), kumele sitjheje zoke izinto ezifunakalako kufaka hlangana lokhu okulandelako:

- (a) ubujamo bomangalelwa nebomangali khulukhulu umangali;
- (b) ukubakhona kweforamu esijamiso ezeziweko;
- (c) iimfuno neemfiso zomangalelwa nomangali khulukhulu umangali;

- (d) ubunjalo bokulalelwa kwesinghonyoyilo leso begodu nokobana umphumela wokulalelwa kwesinghonyoyilo uzakwenza kube lula ukutjheja isiqunto esathathwako nobuphathi mandla kileyo ndawo ephethweko.
- (e) amaziso wehlangano ejanyiswe njengeforamu.
- (5) (a) nangabe isiphathiswa sekhotho sithatha isiqunto sokobana isinghonyoyilo kumele sidluliselwe kuforamu esijamiso, kumele akhuphe umlayo, wokubikela unobhala wekhotho yokulingana kobana athathe isinghonyoyilo leso asidlulisele eforamini esijamiso njengobana kutjho umlayo.
- (b). Nakukhutjwa umlayo ovezwe esigabeni (a), isiphathiswa sekhotho singanamathisela amaziso waso encwadini yomlayo nangabe ubona kunefuneko, amaziso lawo aya eforameni esijamiso.
- (6) Ekwamukeleni umlayo ovezwe endimaneni (5), unobhala wekhotho yokulingana kumele adlulisele isinghonyoyilo bekabikele umangali nomangalelwa ngokudluliswa kwesinghonyoyilo sabo.
- (7) Ekwamukeleni indaba edluliselwe kuforamu, kumele iforamu isebenze ngendaba leyo nokuthi isebenzise amandla nomsebenzi enikelwe wona
- (8) Nangabe iforamu esijamiso evezwe endimaneni (7)-
- (a) iyahluleka ukurarulula umraro enikelwe wona ngesikhathi esibekiweko' namkha
- (b) ayikhgoni ukurarulula umraro okhona nokobana yanelise umangali nofana umangalelwa. Iforamu esijamiso kumele, ibuyisele umraro lowo ekhotho yokulingana kobana ikhotho yokulingana ikwazi ukulamula, ngaphambi kwesikhathi ukusukela ngelanga lokubuyiswa komraro ekhotho yokulingana.
- (9). URhulumente neenhlangano zoMthetho-sisekelo kumele, nakwenzeka, basize omunye nomunye umuntu ofuna ukwenza isinghonyoyilo sokulalwela ngokuya komThetho lo, okhunye, kungaba kukwenza isiqiniseko sokobana lowomuntu uthunyelwa ehlanganweni ekungiyi ezamsiza.

21 Amandla nemisebenzi yamakhotho wokulingana

(1) Amakhotho wokulingana ngaphambi kobana kube nokulalelwa kwawo ngokuya komThetho lo kufanele kube nesinghonyoyilo bekathathe isiqunto sokobana mbala mbala kube nebandlululo elingakafaneli, ikulumo yamazondo nofana ukuthlorisa,

(2)Emva kobana seba fumene isinghonyoyilo, ikhotho ingakhupha umlayo osebujameni obufaka hlangana-

- (a) umlayo wesikhatjhana;
- (b) umlayo okhutjwe ngokwesaziso;
- (c) umlayo wesivumelwano phakathi komangali nomangalelwa mayelana nokulalelwa kwecala ekukhutjwe mlayo wekhotho;
- (d) umlayo wokubhadela umonakalo mayelana nokulahleka kwemali, kufaka hlangana ukulahlekelwa kwangomuso, namkha ukulahlekelwa sithunzi, ukuzwa ubuhlungu ngokomzimba nangokomkhumbulo, ngebanga lokubandlululwa ngokungakafaneli, kwekulumo yamazondo, nokuthlorisa;
- (e) emva kobana sekulalelwe imibono yomangalelwa nomangali, namkha nangabe umangalelwa akekho ikulumo kamangali izakulalelwa, kuzakukhutjwa umlayo wokubhadela umonakalo emntwini loyo namkha ehlanganweni ethintekako;
- (f) umlayo ovimbela ibandlululo elingakafaneli namkha kukhutjwe umlayo wokobana kuthathwe amagadango wokuvimbela ibandlululo elingakafaneli, ikulumo yamazondo, nokuthloriswa;
- (g) umlayo wokuveza amathuba namalungelo akhethekileko adinywa abantu ngeenzathu ezithile;
- (h) umlayo wokuthatha amagadango akhethekileko kobana kutjhejwe ibandlululo elingakafaneli ,ikulumo yamazondo namkha ukuthloriswa;
- (i) umlayo wokwamukelwa kwesiqhema sabantu ngumangalelwa;
- (j) umlayo wokucolisa;
- (k) umlayo olaya umangali kobana ahlolisise imithetho-migomo nofana ukusebenza kwawo njengobana kuquntwe yikhotho;
- (l) umlayo ofaneleko owalako wemvelo, kufaka hlangana isiphakamiso esizakusiwa emphathinimandla, kobana bajamise namkha basule ilayisense yomuntu loyo;
- (m) umlayo oyala umangalelwa kobana enze umbiko weragelo phambili ekhotho, namkha ehlanganweni ebekwe Mthetho-sisekelo mayelana nokulandela umlayo wekhotho;
- (n) umlayo olaya unobhala wekhotho yokulingana kobana adlulisele indaba le kumNqophisi

wezokuTjhutjhiswa koMphakathi onelungelo lokuphatha ihlangano elalela imilamdu yobelelesi ngokuya komThetho wenarha;

- (o) umlayo afaneleko wokubhadelwa kweendleko mangali nofana umangalelwa;
- (p) umlayo wokukhambisana nokutjiwo Mthetho.

(3) Umlayo okhutjhwwe yikhotho yokulingana ngokuya komThetho lo ubanomthelela emlayweni wekhotho ekukhulunywe ngawo. Mayelana negadango lomlandu wombango.

(4) Ikhotho, ngesikhathi nofana ngemva kwesinghonyoyilo, ingathumela-

- (a) isinghonyoyilo sayo, ekulalelweni lomlandu khulukhulu nangabe kunokuphikelela kokungalandeli ikambiso namkha ukungalandeli ekutjiwo mthetho mayelana nebandlululo elingakafaneli, ikulumo yamazondo, lokho kuzakuthunyelwa ehlanganweni ebekwe Mthetho-sisekelo kobana isetjhisise;
- (b) okhunye nokhunye ukulalelwa komlandu ehlanganweni ebekwe Mthetho-sisekelo kobana ilamule, ilethe ukubuyisana nofana ukukhulumisana.

(5) Ikhotho inamandla angezelelweko wokwenza umsebenzi wayo nokusebenzisa amandla enikelwe wona, kufaka hlangana amandla wokukhipha isigwebo namkha incwadi esigunyazo.

22 Abasizi beemphathiswa zekhotho

(1) Ekulalelweni kwesinye nesinye isinghonyoyilo ngokuya komThetho lo, ikhotho ingabawa, umangalelwa nofana umangali nofana izenzele yona nayibona kuphathelene nezobulungiswa, ibize munye nofana babili babantu abanekghono nabangathanda ukusiza kobana babe basizi beemphathiswa zekhotho.

(2) Abasizi beemphathiswa zekhotho abaqatjhwwe ngokuya kwendimana (1) babotjhelelwe kusebenza kwendimana (3), kobana babe malunga wekhotho ngokuya komnqopho womThetho lo.

(3) Enye nanye indaba yomThetho evelako kobana ithathelwe isiqunto ekulalelweni komlandu kunye nombuzo wokobana isiqunto esithathwako siqunto esifaneleko nofana isiqunto somthetho kumele sithathwe siphathiswa sekhotho ngendlela yakhona.

(4) Isiqunto seemphathiswa ezinengi zekhotho siqunto sekhotho, begodu munye wabasizi beemphathiswa zekhotho isiqunto sakhe sizakwamukelwa.

(5) (a) Nangabe umsizi weemphathiswa zekhotho uyahlongakala, nofana isiphathiswa sekhotho sehluleka ukubamba njengomsizi weemphathiswa zekhotho, nofana angakezi emsebenzini nofana ubawa kobana azikhuphe ekulalelweni kwecala ngaphambi kobana kuphethwe ukulalelwa kwecala, isiphathiswa sekhotho singa, ukwenza ubulungiswa busebenze nangenva kokutjheja ipikiswano yomangali nomangalelwa -anga

- (i) akhuphe umlayo wokobana ukulalelwa kuragele phambili;
- (ii) akhuphe umlayo wokobana ukulalelwa kuthome kabutjha
- (iii) nangabe umsizi weemphathiswa zekhotho akekho emsebenzini, angahlehlisa ukulalelwa bekufike isikhathi sokufumana umsizi weemphathiswa zekhotho.
- (b) Isiphathiswa sekhotho asinikele ngembangela yomlayo esiwukhuphe endimaneni (1) nofana (ii)

(6) (a) Isiphathiswa sekhotho esisizwa basizi beemphathiswa zekhotho kesinye nesinye isinghonyoyilo lapho umangali nofana umangalelwa ekulalelweni komlandu ukhupha umlayo, kumele erekhode umbono wakhe-

- (i) nangabe umangalelwa nofana umangali akasizwa mjameli womThetho; godu
- (ii) nangabe isiphathiswa sekhotho sinombono wokobana abasizi beemphathiswa zekhotho abakakhuphi isisombululo esilungileko.

(b) Unobhala wekhotho msinyazana kumele adlulisele iimbangela lezo ekhotho yokudlulisela amacala agwetjiweko kobana sibuyekwezwe isiqunto leso ngendlela efaneleko.

(c) Ikhotho yenghonyoyilo yamacala agwetjiweko inamandla wokukhupha umlayo mayelana nesiquntu esithathiweko.

23 Ukudluliselwa kwamacala agwetjiweko ekhotho yeenghonyoyilo nokubuyekwezwa kwawo

(1) Omunye nomunye umuntu onesinghonyoyilo mayelana nesiquntu esithethwe yikhotho yokulingana ngokukhambisana nomThetho lo, ngaphambi kwesikhathi esibekiweko, enze isinghonyoyilo mayelana nomlayo okhutjiweko, lokho angakwenza ekhotho ekulu enamandla nofana ekhotho ekulu yenghonyoyilo zamacala asele agwetjiwe.

(2) Ekufakeni isinghonyoyilo, iKhotho eKulu nofana iKhotho eKulu yokuDlulisa kwamaCala aGwetjiweko, ingakhupha umlayo ngendlela ebona kufanele ngayo.

(3) Ngaphandle kwendimana (1) Omunye nomunye umuntu onesinghonyoyilo mayelana nomlayo okhutjwe yikhotho yokulingana, ngokuya kwemilayo yekhotho yomThetho -sisekelo, angafaka isinghonyoyilo sakhe bunqopho ekhotho yomThetho-sisekelo.

(4) Nakwenzeka kuba nokutjhayisana mayelana nesiqunto esithethwe siphathiswa sekhotho mayelana nendaba evezwe esigabeni (b) sokuhlathulula ubujamo obungakafaneli', uNgqongqotjhe angathumela icala eliveziweko lelo eKhotho eKulu yokuDlulisela amaCala aGwetjiweko namkha ekhotho yomThetho-sisekelo kobana kuthathwe isiqunto.

(5) (a) Nangabe isiphathiswa sekhotho kamarhastrada sikhupha isiqunto mayelana nobujamo bebandlululo obuvezwe esigabeni (b) sokuhlathulula ubujamo obungakavunyelwa', Isiqunto okumele, emva kobana sekuqediwe ukulalelwa kwecala, sithunyelwe ekhotho eKulu kobana sibuyekwezwe.

(b) Ikhotho eKulu, emva kobana seyitjheje umlandu, ingeza nesiphakamiso esikhambelana nendimana (5) (a) emva kwalapho ingakhupha umlayo ngokukhambisana nomThetho.

(c) ukusebenza kwendimana (5) (a) kuzakujanyiswa bekufike isikhathi lapho ukulalelwa kwecala elidlulisweko ekuvezwe kilendima kuqedwa.

ISAHLUKO 5 UKUTHUTHUKISA UKULINGANA

24 Isibopho sazombebele sokuthuthukisa ukuLingana

(1) URhulumende unesibopho nomsebenzi wokukhuthaza nokufeza ukulingana.

(2). Boke abantu banomsebenzi nesibopho sokukhuthaza ukulingana

[Ilanga lokuthoma ukusebenza kwe s.24: kuzakumenyenzelwa

25 UMsebenzi kaRhulumende wokuthuthukisa ukulingana

(1) URhulumende kumele, nakukghonakala arhelejwe ziinhlangano zoMthetho-sisekelo-

(a) athuthukise ijima lokwazisa abantu ngamalungelo wabo kobana bakwazi ukuthuthukisa ukuzwana, ihlonipho nokulingana;

(b) athathe amagadango wokuthuthukisa nokwenza amahlelo asebenze ekwenzeni kube nokulingana;

(c) nefuneko nofana ngefanelo yoku-

(i) thuthukisa amahlelo wokutjheja elinye nelinye ibandlululo elingakafaneli;

(ii) Ukuphasisa omunye umThetho ozakukukhuthaza ukulingana nokusungula isisekelo soMthetho ngokukhambisana nomnqopho womThetho;

(iii) ukuthuthukisa ukusebenza ngefanelo njengobana kuvezwe kilomThetho kobana kukhuthazwe ukulingana, nokunikela ngomhlahlandlela;

(iv) ukuyelelisa nokubandula eendabeni zokulingana;

(v) ukuthuthukisa ukusebenza kwangaphakathi mayelana neenghonyoyilo zebandlululo elingakafaneli, ikulumo yamazondo, nokuthloriswa;

(vi) ukuza namajima welwazi kobana kuthuthukiswe lomThetho.

(2) IKomitjhana yamaLungelo woBuntu eSewula Afrika kunye nezinye linhlangano ezibekwe Mthetho-sisekelo ngokungezelelweko, ngokuya komThetho-sisekelo nofana omunye nomunye umThetho, zingabawa elinye nelinye iziko elingaphasi korhulumende nofana omunye nomunye umuntu kobana anikele ngelwazi mayelana namagadango engenza kobana kuphumelele indaba yokulingana, nakukghonakala kufakwe umlayo womThetho wenarha, ukusebenza kwawo nokukhambisana nomThetho obekwe Sibetha-Mthetho senarha, umlayo wokusebenza ngefanelo kunye namahlelo womThetho lo.

(3) Ekungezelelweni kwamandla nemisebenzi yeenhlangano ezibekwe Mthetho-sisekelo linhlangano lezi godu zinamakhono woku-

(a) siza abamangalelwa mayelana nokulalelwa kweenghonyoyilo zabo ekhotho yokulingana;

(b) zingenza iphenyo emacaleni beziveze neemphakamiso njengobana zilaywe yikhotho mayelana nokuragela phambili kokungakhambisani nomThetho lo nofana emacaleni webandlululo elingakafaneli, ikulumo yamazondo nofana ukuthlorisa ekhotho

- yokulingana;
- (c) zingafaka isibawo emnyangweni, ngendlela efaneleko, mayelana nemibiko emayelana namacala afakiweko ubunjalo bawo kunye nomphumela wakhona.
- (4) Boke AboNgqongqotjhe abasebenzise amagadango athethweko asebenze ngokusebenzisa iinsetjenziswa ezikhona esinqophe ukuphumelelisa ukulingana ngokobana bazibophelele eku-
- (a) ekuqedeni elinye nelinye ibandlululo elingakafaneli nokuragela phambili kokungalingani komunye nomunye umThetho, umThetho-mgomo abasebenza ngawo;
- (b) bahlele bebenze amahlelo wokulingana asebenze ngendlela efaneleko, kilowo mtlolo akubekwe isikhathi sokwenza amahlelo asebenze, basebenzisane noNgqongqotjhe wezeeMali.
- (5) (a). Amahlelo wezokulingana, ngaphambi kobana kuphele iminyaka emibili emva kokuthoma ukusebenza komThetho lo, athunyelwe eKomitjhaneni yamaLungelo woBuntu yeSewula Afrika kobana asebenze ngendlela efaneleko.
- (b) IKomitjhana yamaLungelo woBuntu yeSewula Afrika ayithintane neKomitjhana yokuLingana koBulili nayisebenza ngamahlelo avezwe esigabeni (a.)
- [Ilanga lokuthoma ukusebenza kwe s. 25 kuzakumenyenzelwa]

26 Ukuzibophelela kwabantu abasebenzela umphakathi mayelana nokukhuthaza ukulingana

Kumsebenzi womunye nomunye umuntu bunqopha nofana ingasi bunqopha onesivumelwano noRhulumente nofana okghona ukusebenzisa amandla kaRhulumente kobana akhuthaze ukulingana ngokobana-

- (a) aveze amahlelo wokulingana afaneleko, amakhodi, iimpengu esivezwe Mbuso kunye namanye amagadango afaneleko wokukhuthaza ukulingana;
- (b) kukatelelwe bekutjhejwe ukukatelelwa kwamahlelo wokulingana, amakhodi, kunye neempengu ezithuthukisiweko;
- (c) kwenziwe imibiko inikelwe iimpahathi mandla nofana iinhlango ezifaneleko.

[Ilanga lokuthoma ukusebenza kwe s. 26: kuzakumenyenzelwa]

27 Ukuzibophelela kwabantu boke ekukhuthazeni ukulingana

(1) Ukuvumelana nesigaba 26, boke abantu, iinhlango ezingasizo zombuso, iinhlango zomphakathi iinhlango zabarholi bendabuko kumele zikhuthaze ukulingana esikhozini sazo nezinye iinhlango emisebenzini yazo nomphakathi.

(2) UNgqongqotjhe kumele athuthukise imithetho lawulo ekhambisana nomThetho lo , nabanye Abogqongqotjhe bangathuthukisa umThetho lawulo ngokukhambisana nomThetho neminye imithetho ekhuthaza iinkampani, iinkampani zehlanganyela, iinqhema, iinhlango zemidlalo, iinhlango zamabubulo kunye nezinye iinhlango ngendlela efaneleko, ngokuya kobukhulu bazo iinsetjenziswa zazo nokuba namandla kwazo, kobana zilungiselele amahlelo nofana zikhambisane nokusebenza okufaneleko nofana zibike eenhlanganweni mayelana namagadango wokuthuthukisa ukulingana.

[Ilanga lokuthoma ukusebenza kwe s. 27: kuzakumenyenzelwa]

28 Amagadango akhethekileko wokukhuthaza ukulingana mayelana nobuhlanga, ubulili nokukhubazeka

(1) Kunobufakazi bokutjuthiswa komunye nomunye umlandu kobana ibandlululo elingakafaneli mayelana nobuhlanga, ubulili namkha ukukhubazeka kudlale indima ekugwetjweni kwamacala, lokhu kubonakala njengobujamo obusilingako mayelana nomnqopho wesigwebo.

(2) IKomitjhana yamaLungelo woBuntu ye Sewula Afrika kumele, embikweni wayo ovezwe endimeni 15 womThetho weKomitjhana yamaLungelo wobuntu umThetho 54 ka 1994), ufaka hlangana ukuhlungwa kwebandlululo elingakafaneli mayelana nobuhlanga, ubulili nokukhubazeka ekuragela phambili eSewula Afrika, umphumela neemphakamiso kukobana lomraro ungararululwa njani.

(3) (a) iinhlango zoMbuso ezisebenzela umphakathi nabantu boke banomsebenzi nesibopho, khulukhulu uku-

- (i) ukuqeda ibandlululo mayelana nobuhlanga, ubulili, nokukhubazeka;
- (ii) ukukhuthaza ukulingana mayelana nobuhlanga, ubulili, nokukhubazeka;

(b) ukwenza imisebenzi evezwe esigabeni (a), iinhlango zikarhulumente ezisebenzela umphakathi, kunye neenhlango ezisemthethweni nalezo ezingekho emthethweni kumele-

- (i) zihlolisise imithetho, imithetho-mgomo. Nokusebenza kwawo ngomnqopho wokuqeda loke ibandlululo;
- (ii) ziphasise imithetho, zithuthukise imithetho-migomo, bezithome amahlelo wokusebenza ngefanelo kobana kuqedwe ibandlululo mayelana nobuhlanga, ubulili kunye nokukhubazeka;
- (iii) zize namahlelo wokusebenza kobana kuthuthukiswe bekuphumelele ukulingana mayelana nobuhlanga, ubulili nokukhubazeka. begodu
- (iv) kube nokutjheja okuphambili indaba yokuqeda ibandlululo elingakafaneli nokukhuthaza ukulingana mayelana nobuhlanga, ubulili nokukhubazeka.

29 Isitjengiso serhelo lezeno zebandlululo elingakafaneli elenzeka kweminye imikhakha

(1). Ngaphandle kobana siphambuke kilokho ekutjhiwo Mthetho, iTjheduli yomThetho lo inqophe ukukhombisa beyigandelele izenzo lezo ezingakafaneli, lezo ezaziwako ekumele zirarululwe,

[Ukuthoma ukusebenza kwendimana (1): 1 Septemba 2000.]

(2) UMBuso kumele, ngendlela efaneleko, wenze isiqiniseko sokobana umThetho wenarha kunye namanye amagadango ayathathwa kobana kurarululwe izenzo esivezwe endimaneni (1).

[ukuthoma ukusebenza kwendimana (2): kuzakumenyenzelwa]

(3) UNgqongqotjhe kumele, eemphakamisweni zakhe mayelana neKomidi yokuBuyekeza ukuLingana, Njalonje, ahlolisise izenzo esivezwe kutjheduli ngomnqopho wokukhulisa, wokutjhugulula irhelo lezeno ezivezwe kutjheduli.

[Ukuthoma ukusebenza kwendimana (3): 1 Septemba 2000.]

(4) ITjheduli inqophe ukuveza irhelo leentjengiso lezeno zebandlululo elingakafaneli kobana ku-

(a) kurarululwe bekuqedwe lezizenzo; godu

(b) kusizwe abantu ekuvezeni ilwazi labo nezenzo.

[Ukuthoma ukusebenza kwendimana (4): 1 Septemba 2000.]

(5) Irhelo leentjengiso lezeno kutjheduli alikapheleni kumele litjhejwe belibuyekezwe yiKomidi eBuyekeza ukuLingana njalo nje.

[ukuthoma ukusebenza kwendimana (5): 1 Septemba 2000.]

ISAHLUKO 6 OKUMUMETHWEKO NOKUSEBENZA KOMTHETHO

30 Imithetho lawulo

(1) UNgqongqotjhe nakunefuneko akenze imithetho lawulo emayelana-

(a) Neenkambiso ekumele zilandelwe nofana ezimayelana nesinghonyoyilo ngokukhambisana nomThetho lo, kufaka hlangana indlela iinghonyoyilo ekumele zenziwe ngayo, ukudluliselwa kweenghonyoyilo njengobana kuvezwe endimeni 20 nokulalelwa kweenghonyoyilo zamsinyana;

(b) neforomo lesibawo esinye nesinye, ubuphathi mandla, isitifiketi, imvumo, isaziso, umlayo, ikambiso, ukutlolisa nokubizelwa ekhotho kumele kwenziwe, kukhutjhe ngokuya komThetho lo; kunye nelinye iforomo elizakufuneka elizakusekela okumumethwe Mthetho lo;

(c) ukunikelwa isizo lomThetho ngokusebenzisa imali kaRhulumende emacaleni afaneleko nokuthintana neBhodi yesizo lomThetho;

(d) ukavela kwabantu bajamele umangali nofana umangalelwa ekulalweni komlandu, kungafaka hlangana umuntu onelwazi lomsebenzi konamagqwetha;

(e) ukuqhatjha kwabonobhala bekhotho yokulingana nemisebenzi yabo;

(f) ukavela kwabofakazi emacaleni avelako nakusetjenziswa lomThetho nokubhadelwa kwabofakazi;

(g) isivumelwano somlayo wekhotho esivela ekhotho kamarhastrada esivezwe njengekhotho yokulingana endimeni 19 (3) (a);

- (h) ikambiso ekumele ilandelwe, yokutlanywa nokutloliswa kwabantu emphakathini labo abanelwazi lomsebenzi nabangakhona ukusebenza njengabasizi beemphathiswa zekhotho ekhotho yolulingana;
- (i) Indlela ekumelwe ilandelwe mayelana nokukhetha abasizi beemphathiswa zekhotho ngokuya komThetho lo;
- (j) Izinto ekumele ziyelelelwe yikhotho yokulingana kukobana bangabizela abasizi beemphathiswa zekhotho ekhotho ngokuya kokusebenza kobulungiswa;
- (k) ukwenziwa kwesifungo nofana ukwenza isifungo kwabasizi beemphathiswa zekhotho;
- (l) Indima edlalwa ziimphathiswa zekhotho nekambiso ekumele ilandelwe emacaleni lapho ikhotho yokulingana isizwa basizi beemphathiswa zekhotho;
- (m) ukubawa ukukhutjiswa ekulalelweni komlandu kwabasizi beemphathiswa zekhotho kunye nekambiso elandelakwo mayelana nokubawa ukukhutjiswa ekulalelweni komlandu;
- (n) ukusebenza ngefanelo kwabasizi beemphathiswa zekhotho, nepengu yokukatelela ukusebenza ngefanelo, kufaka hlangana ukusebebza ngendlela yomThetho kwabasizi beemphathiswa zekhotho nangabe kube khona ukungasebenzi ngefanelo;
- (o) ukuveza ipengu yokusebenza ngeenghonyayo mayelana nabasizi beemphathiswa zekhotho;
- (p) ukubandulwa kwabasizi beemphathiswa zekhotho;
- (q) ukubhadelwa kwabasizi beemphathiswa zekhotho;
- (r) enye nenye indaba ekunefuneko yokobana ivezwe nakulawulwa imisebenzi yabasizi beemphathiswa zekhotho ekhotho yolulingana;
- (s) ikambiso ekumele ilandelwe mayelana namacala adluliselwe ekhotho ekulu nokubuyezwa kwawo njengobana kuvezwe endimeni 23;
- (t) imibiko evezwe endimeni 25 (3) (c) no 26 (c) kunye namahlelo wokulingana avezwe endimeni 25 (4) (b) no (5) (a) nendima 27 (2)
- (u) ukutjhugululwa komThetho lo utjhugululelwe emalimini asemthethweni nokuphadhlalajwa njengobana kuvezwe endimeni 31 (2) (b);
- (v) amandla nemisebenzi yeKomidi yokuBuyekeza ukuLingana ekuvezwe endimeni 33;
- (w) enye nenye indaba ekufuneka nofana evunyelwe kobana ivezwe Mthetho-lawulo ngokukhambisana nomThetho lo;
- (x) enye nenye indaba ekunefuneko kobana ivezwe ukuze kuphumelele iminqopho yomThetho lo.

(2) omunye nomunye umThetho-lawulo ongaphasi kwendima le onganomthelela wokobana uMbuso usebenzise imali akwenziwe ngokuthintana noNgqongqotjhe wezeeMali.

(3) UmThetho-lawulo owenziwe ngaphasi kwendima le awubeke kuzwakale kobana omunye nomunye umuntu owephula lomThetho nofana owehluleka ukukhambisana nalomThetho uzakufunyanwa amlandu bekangagwetjwa ngokobana ahlawuliswe nofana agwetjwe iinyanga ezingadluli e-12.

(4) (a) Omunye nomunye umThetho-kambiso owenzwe ngaphasi kwalendima awubikwe ePalamende emalangeneni ama-30 ngaphambi kobana ukhutjwe *kuGazethi*, nangabe iPalamende kusikhathi sayo sokusebenza.

(b) Nangabe akusikhathi sokusebenza kwePalamende njengobana kuvezwe esigabeni (a), imithetho-lawulo ayithunyelwe kuSomlomo wePalamende, emalangeneni, ama -30 ngaphambi kobana ikhutjwe *kuGazethi*.

(5) Imithetho-lawulo eyenziweko ngokuya kwendima le, khulukhulu indimana (1) (a) emayelana nekambiso yemibuzo, kumele msinyazana kube nesiqiniseko sokobana ukusebenza komThetho lo kuba lula, kuyazwakala, begodu kuyakghonakala.

31 Ukusebenza komThetho

(1) Ngaphandle kwesigaba 16 (1) akukho ukulalelwa kwesinghonyayo ekuzakwenzeka ekhotho ngaphandle kobana isiphathiswa sekhotho nabo mabhalana bekhotho babekhona emsebenzini.

(2) - Nomnqopho wokuthoma ukusebenza komThetho lo nokwenza kobana ufumaneke msinyazana-

- (a) nokuthoma ukusebenza kwendimana (1), amajaji, marhastrada nofana abomarhastrada abangezelelweko, nabomabhalana abavezwe endimani (1) banga-
 - (i) khethwa njengeemphathiswa zekhotho;

- (ii) bangakhethwa njengabonobhala bekhotho ekhotho yinye nofana ezinengana;
 (b) UNgqongqotjhe akenze lomThetho ube khona ngamalimu woke asemthethweni ngendlela efaneleko ngaphambi kokuphela kweminyaka emibili emva kokuthoma ukusebenza komThetho lo.
- (3). UmNqophisi-Zombebele womNyango akathathe amagadango asebenzise neensetjenziswa ezikhona zomNyango zokuqiniseka kobana unobhala wekhotho yokulingana ukhona kwenye nenye ikhotho eRiphabliki.

(4) Ijaji elikhulu, kumele lithintane neKomitjhana yokuSebenza koBulungiswa kunye neKomitjhana YaboMarhastrada, kuthuthukiswe umtlole wokubandula ngomqopho wokwakha ihlelo lokubandula nokwakha isiqhema esinelwazi seemphathiswa zekhotho, ezizakwazi ukurarulula imiraro yobulungiswa njengobana kuvezwe kilomThetho ngokobana kunikelwe-

- (a) iziko lokubandula iimphathiswa zekhotho;
 (b) kube nekambiso yokusebenza efanako, izinga nekambiso ekumele ilandelwe ziimphathiswa zekhotho ekwenzeni imisebenzi yabo nekusebenziseni amandla abanikelwe wona.

(5) Ijaji elikhulu kumele, ngokuthintana NeKomitjhana yaboMarhastrada, iKomitjhana yokuSebenza koBulungiswa kunye noNgqongqotjhe, benze isifundo bandulo sisebenze njengobana kuvezwe endimaneni (4)

(6) UmNqophisi-Zombebele woMnyango kumele athuthukise bekenze isifundo bandulo sisebenze kibonobhala bekhotho yokulingana ngomnqopho wokwakha isiqhema esibanduliweko, esizinikeleko nesinelwazi nesingesabonobhala abakhethekileko, ngomnqopho wokobana benze umsebenzi wabo ngefanelo njenjengobana kuvezwe mThetho lo. Ngokobana kunikelwe-

- (a) iziko lokubandula abonobhala
 (b) kube nekambiso yokusebenza efanako, izinga nekambiso ekumele kulandelwe bonobhala nabenza imisebenzi yabo.

(7) UNgqongqotjhe kumele ahlongoze umbiko ePalamende, ngendlela yakhona mayelana nokumumethweko nokusebenzisa iimfundo bandulo ezivezwe endimaneni (4) n (5).

S.31 ikhutjhe ngu s.3 womThetho 52 ka 2002

ISAHLUKO 7

UKUBUYEKEZWA KOMTHETHO, ISIHILOKO ESIFITJHANI NOKUTHOMA UKUSEBENZA KOMTHETHO

32 Ukusungulwa kwekomidi yokubuyekeza ukulingana

UNgqongqotjhe kufanele, ngaso lesi sikhathi, sokuphadhlalajwa komThetho lo, ngesaziso *kwiGazethi*, asungule iKomidi yokuBuyekeza ukuLingana bekakhethe namalunga, hlangana kumele kube-

- (a) siphathiswa esikhulu sobulungiswa esineemfundo ezifaneleko;
 (b) ngusihlalo weKomitjhana yamaLungelo woBuntu yeSewula Afrika
 (c) ngusihlalo weKomitjhana yokuLingana koBulili;
 (d) umjameli womphakathi;
 (e) isazi samalungelo wobuntu;
 (f) ilunga lesiBethathetho seNarha;
 (g) ilunga loMkhandlu oweNgamele iiMfunda.

[ilanga lokuthoma ukusebenza kwe s. 32: 1 Septemba 2000]

33 Amandla, imisebenzi kunye nesikhathi esibekelwe ukusebenza kwe-ofisi yeKomidi yokuBuyekeza ukuLingana

(1) IKomidi yokuBuyekeza ukuLingana-

- (a) kufanele iyelise uNgqongqotjhe mayelana nokusebenza komThetho;
 (b) kufanele iyelise uNgqongqotjhe mayelana nemithetho enemithelela ethile kwezokulingana;
 (c) kufanele ilethe imibiko yayo qobe kuNgqongqotjhe mayelana nokusebenza komThetho lo, batjhetjhe kobana iminqopho yomThetho nomThetho-sisekelo iyafezeka begodu kufanele beze neemphakamiso mayelana nefuneko elinye nelinye elingabakhona kobana

kutjhugululwe umThetho lo kobana ukwazi ukusebenza ngefanelo;

(d) Inamandla neminye imisebenzi enikelwe yona njengobana kuveziwe.

(2) IKomidi yokuBuyekeza ukuLingana ingenza umsebenzi wayo neenkulumo-pikiswano emihlanganweni yawo nayibona lokho kufanele;

(3) Amalunga weKomidi yokuBuyekeza ukuLingana avezwe esigabeni 32 (a), (no (d) no (e) aqatjhwele isikhathi esiminyaka emihlanu begodu bangaqatjhwa godu ngemva kokuphela kwesikhathi sabo sokusebenza.

(4). Eminye imibandela ebekelwe amalunga aqatjhiweko weKomidi yokuBuyekeza ukuLingana kuvunyelwene ngawo.

(5) Umsebenzi wokuphatha omayelana nokusebenza kweKomidi yokuBuyekeza ukuLingana awenziwe ziimphathiswa zoMbuso ezikhethwe Mnqophisi -Zombebele.

(6) Amalunga weKomidi yokuBuyekeza ukuLingana azakubhadelwa, bebanikelwe nezinye iinzuzo njengobana lokho kuzakuquntwa nguNgqongqotjhe nakazakubonisana noNgqongqotjhe weeMali. [ilanga lokuthoma ukusebenza kwe s. 33 1 Septemba 2000]

34 Imihlahlandlela-yelawulo-kambiso ku HIV/AIDS, enarheni mazombe, ebujameni bezomnotho nehlalakuhle, kunye nokuzibophelela komndeni nobujamo

(1) Amazizo akhona wokufakazela ukuqakatheka, imithelela emphakathini esondelene nokudinywa amathuba nokubandlululwa ngembangela yobujamo benTumbantonga (HIV/AIDS) kwezomnotho nehlalakuhle, enarheni mazombe kunye nekuzibopheleleni kwemindeni nobujamo bomndeni-

(a) ukutjheja okukhethekileko kumele kufakwe kilobubujamo esigabeni (a) sokuhlathulula ubujamo obungakavunyelwa lokho akwenziwe nguNgqongqotjhe;

(b) iKomidi yokuBuyekeza ukuLingana kumele, kungakapheli unyaka, iphenyisise beyilethe neemphakamiso kuNgqongqotjhe.

[ilanga lokuthoma ukusebenza kwe ndimana (1): 1 Septemba 2000.]

(2) Akunalitho kilendima eku-

(a) ekuthinta ukuphathwa kwamakhotho mayelana nokuthatha iinqunto zokurarulula imibango engararululwa ngokusebenzisa lomThetho ebujameni lobu;

(b) okukhandela umangali kobana angavuli umlandu mayelana nobujamo obunjalo ekhotho yomThetho;

(c) okukhandela ikhotho ekuthatheni isinqunto sokobana ubujamo lobo bujamo obukhambisana nesigaba (b) sokuhlathulula 'ubujamo obungakavunyelwa'. Nofana kubujamo obungakavunyelwa obufakwe esigabeni (a) sokuhlathulula 'ubujamo obungakavunyelwa'.

35 Isihloko esifitjhani kunye nesithomo

(1) LomThetho ubizwa ngokuThuthukiswa kokuLingana nokuVimbela iBandlululo elingakaFaneli UmThetho ka 2000, begodu uzakusebenza ngelanga elibekwe nguMongameli ngokobana kumemezelwe eMtlolweni kaRhulumende.

(2) Amalunga ahlukeneko angabikwa ngokuya kokusebenza komThetho lo.

Itjheduli

IRHELO LEENTJENGISO ZOKUSEBENZA NGENDLELA ENGAKAFANELI KWEMINYE IMIKHAKHA

(Isigaba 29)

1 Abasebenzi kunye nomsebenzi

(a) Ukwenza iinrhobe ezingasiliqiniso mayelana nokufumana amathuba wemisebenzi ngokusebenzisa iinkambiso zokuqatjha nokuhlunga abasebenzi.

(b) Ukwenza ihlelo lokuqatjha, ukuthuthukisa, ukukhuphula emsebenzini nokugcina abasebenzi ekwenzeka ngebanga lebandlululo elingakafaneli ebantwini ebaveziweko okumayelana nobujamo obungakafaneli.

(c) Ukwahluleka ukuhlonipha imigomo yokubhadelwa ngokulingana emsebenzini olinganako

- (d) Iinlinganiso eziragela phambili zemali yomrhulo ezihlukeneko ezathathelwa ebandlululweni lakade elingakafaneli.

2 Ifundo

- (a) Ukunina abafundi ngokungakafaneli emazikweni wefundo, kufaka hlangana nabafundi ananeemfuno ezikhethekileko.
- (b) Ukubamba umfundaze ngokungakafaneli, nofana elinye nelinye isizo elinikelwa abafundi labo abaveziweko mayelana nobujamo obungakafaneli.
- (c) Ukwahluleka ngaphandle kwesizathu sokwamukela iinhlanga ezihlukeneko kwezefundo

3 Iinsetjenziswa zamaphilo nezinye iinzuzo

- (a) Ukuthatha abantu ubahlole ngokwamaphilo ngaphandle kwemvumo yabo.
- (b) Ukwala ngendlela engafunekiko nofana ukwalela omunye umuntu kobana afumane iinsetjenziswa zamaphilo nofana ukwehluleka ukunikela ngeensetjenziswa zamaphilo komunye nomunye umuntu.
- (c) Ukwala ukunikela ngeensetjenziswa zesizo elirhabako ebantwini besitjhaba ezithile ngendlela yobujamo obungakavunyelwa.
- (d) Ukwala ukurhelelwa ngeensetjenziswa zamaphilo ebantwini abadala.

4 Izindlu, indawo yokuhlala, inarha kunye nepahla

- (a) Ukulamula kokususwa ngekani kwabantu enarheni abahlala kiyo ngokuya kobujamo obungakavunyelwa
- (b) Ukwenza umkhawulo mayelana nobujamo bobuhlanga nobomphakathi.
- (c) Ibandlululo elingakafaneli mayelana nokusizwa ngezindlu, imali-mboleko, nofana ukusizwa ngemali ngokukhetha ubuhlanga, ubulili, kunye nobunye ubujamo obungakavumeleki.
- (d) Ukwahluleka ukubonelela iimfuno ezikhethekileko zabantu abadala.

5 Iinsetjenziswa zentjhoreense

- (a) Ukwalela umuntu ngokungafunakaliko ngendlela yinye nofana ezinengi zokobana abe nentjhoreense.
- (b) Ukubandlulula ngendlela engafunekiko ngokunikela ngenzuzo ezithile, iinsetjenziswa ezimayelana nentjhoreense.
- (c) Ngokunina umuntu nofana abantu, kufaka hlangana indlela engakafaneli yokwala ukunikela isizo ebantwini abasebujameni be HIV/AIDS.

6 IPentjheni

- (a) Ukunina omunye nomunye umuntu ehlelweni lobulunga besikhwama semali sabalisa emsebenzini namkha ekumnineni kobana afumane inzuzo esikhwameni semali ngembangela yinye ethile nofana ezinye iimbangela.
- (b) Ukubandlulula ngokungakafaneli kwamalunga nofana abazuzi besikhwama semali sabalisa emsebenzini.

7 Ukubambisana

- (a) Ukuthatha isiqunto ngendlela engakafaneli kobana ngubani ekumele amenywe kobana abemlingani endabeni yokubambisana.
- (b) Ukwenza ibandlululo elingakafaneli ebujameni bokobana umuntu amenywe ukuba mlingani.

8 Amabizelo kunye neenhlango

- (a) Ukwenza ubujamo obungakafaneli bokumedela namkha bokwalela umuntu kobana angenele ibizelo khulukhulu ebantwini egade badinywe amathuba.
- (b) Ukumedela umuntu ngendlela engakafaneli namkha ukumalela kobana afumane inzuzo

namkha iinsetjenziswa ngebanga lobujamo obungakafaneli.

9 Ukunikelwa kwepahla, imisebenzi kunye neesetjenziswa

- (a) Ngokungakafaneli ukwalela nofana ukwehluleka ukunikela ngepahla nofana iinsetjenziswa nofana ukunikela ngeensetjenziswa ezikhona komunye nomunye umuntu nofana esiqhemeni ngendlela engakafaneli.
- (b) Ukwenza ubujamo obukhuthaza umphumela webandlululo elingakafaneli lakade namkha ukuninwa mayelana nokufumana iinsetjenziswa eziphathelene neemali.
- (c) Ukumeda ngokungakafaneli mayelana namathuba wesivumelwano sokunikela ngepahla nomsebenzi.

10 iinqhema, zemidlalo kunye neenhlango

- (a) Ukwala ngokungakafaneli ukutjheja isibawo esenziweko sobulunga beenhlango nofana besiqhema ngeembangela ezingafunakaliko.
- (b) Ngokungafunakaliko ukwalela ilunga kobana lifumane iinzuzo ezinye nezinye ezinikelwa yihlango nofana isiqhema.
- (c) Ukwehluleka ukuthuthukisa iinhlango ezihlukeneko nokukhetha abajameli besiqhema.