

SEHLUKO 14

TIMISO JIKELELE

Umtsetfo wemave emhlaba

Tivumelwano nemave emhlaba

231. (1) Kucocisana nekusayina tivumelwano nemave emhlaba kusibopho seSigungu savelonkhe lesengamele.
- (2) Sivumelwano nemave emhlaba sibopha iRiphabhulikhi kuphela nje uma ngabe semukelwe ngesincumo kuyo yombili Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza ngaphandle uma ngabe kusivumelwano lesishiwo esigatjaneni (3).
- (3) Sivumelwano nemave emhlaba senhlobo yebuchwepheshe, yekuphatsa noma yeSigungu lesengamele, noma sivumelwano lesingadzingi kwemukelwa noma kucinisekiswa losentiwe Sigungu lesengamele, sibopha iRiphabhulikhi ngaphandle kwekuvunywa Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza, kepha kumele setfulwe embi kweSigungu saVelonkhe kanye nasembi kweMkhandlu waVelonkhe weTifundza kungakapheli sikhatsi lesidze.
- (4) Noma sipi sivumelwano nemave emhlaba siba ngumtsetfo eRiphabhulikhi nasibekwa saba ngumtsetfo sishayamtsetfo savelonkhe, kodvwa siba siphakamiso lesinemandla eRiphabhulikhi ngaphandle uma ngabe singahambisani neMtsetfosisekelo noma neMtsetfo wePhalamende.
- (5) IRiphabhulikhi iboshwa tivumelwano nemave emhlaba lebetivele tiyibopha iRiphabhulikhi loMtsetfosisekelo uma ucala kusebenta.

Umtsetfo wenzabuko wamhlabawonkhe

232. Umtsetfo wenzabuko wamhlabawonkhe ungumtsetfo eRiphabhulikhi ngaphandle uma ngabe unghambisani neMtsetfosisekelo noma umtsetfo wePhalamende.

Kusetjentiswa kwemtsetfo wemave emhlaba

233. Uma kuhunyushwa noma ngumuphi umtsetfo, tonkhe tinkantolo kumele tikhethse kuhunyushwa lokungiko kwalowo mtsetfo lokuhambisana nemtsetfo wemave emhlaba ngetulu kwalokunye kuhunyushwa lokungahambisani nemtsetfo wemave emhlaba.

Letinye Tindzaba**Tivumelwano temaLungelo**

234. Kuze kwandzise lisiko lentsandvo yelinyenti lelisungulwe nguMtsetfosisekelo, iPhalamende ingatemukela tiVumelwano temaLungelo letihambisana netimiso teMtsetfosisekelo.

Kutibusa ngekwakho

235. Lilungelo labo bonkhe bantfu baseNingizimu Afrika lekutibusa ngekwabo njengoba lichaziwe kuloMtsetfosisekelo, alishiya ngaphandle, ngekhatsi kweluhlakamebenti walelilungelo, kuhlonishwa kwemcabango ngelilungelo lekutibusa ngekwawo ummango lobunjwe ngemasiko lafanako nelulwimi lolufanako ngekwentalelwane, indzawo letsite khona lapha eRiphabhulikhi noma futsi ngayiphi lenye indlela, lencunye ngumtsetfo wavelonkhe.

Kwelekelelwa ngetimali kwemacembu embusave

236. Kuze kubonakale intsandvo yelinyenti, umtsetfo wavelonkhe kumele wente kube khona kuniketwa kwetimali emacembu embusave lafaka sandla kusishayamtsetfo savelonkhe netetifundza ngalokufanele nangebunyenti noma bungako bemavoti licembu ngelicembu lelawatfolo elukhetfweni lwavelonkhe nelweTifundza.

Kwentiwa kwemisebenti ngekutimisela

237. Yonkhe imisebenti lebekwe ngekwemtsetfosisekelo kumele yentiwe ngekutimisela futsi nangaphandle kwekucitsa sikhatsi.

Kuphutfuma netitfunywa

238. Sigungu lesengamele kunoma ngumuphi umkhakha wahulumende –
- singaniketa noma waphi emandla lokumele asetjentiswe noma umsebenzi lokumele wentiwe ngekulandzela umtsetfo wavelonkhe noma siphilinesinye sitfo tembuso kuphela nje uma ngabe lokuniketa kuhambisana nalowo mtsetfo lowo mandla asetjentiswa lowo msebenzi wentiwa ngaphasi kwawo; noma
 - singasebentisa noma waphi emandla noma sente noma muphi umsebenzi siwentela noma siphilinesinye sikhungo sembuso lesiphetse ngekuphutfuma noma ngesizatfu sekutfunywa.

Tinchazelo

239. KuloMtsetfosisekelo, ngaphandle uma incikitsi ibonisa ngalenyehindlela –
- “umtsetfo wavelonkhe”** ufaka ekhatsi—
- umtsetfo longaphasi kwemtsetfo lobunjwe ngekulandzela uMtsetfo wePhalamente; futsi
 - umtsetfo lebewusebenta ngesikhatsi loMtsetfosisekelo ucala kusebenta futsi losetjentiswa nguhulumende wavelonkhe;
- “sikhungo sembuso”** sisho—
- noma muphi umnyango wembuso noma wekuphatsa ezingeni hulumente wavelonkhe wesifundza noma wasekhaya; noma
 - noma siphilinesinye siphatsimandla noma sikhungo—
 - lesisebentisa emandla noma senta umsebenzi ngekulandzela uMtsetfosisekelo noma umtsetfosisekelo wesifundza; noma
 - lesisebentisa emandla emmango noma lesenta umsebenzi wemmango ngekulandzela noma muphi umtsetfo, kepha loko akufaki ekhatsi inkantolo noma siphatsimandla setemtsetfo;
- “umtsetfo wesifundza”** ufaka ekhatsi—
- umtsetfo longaphasi kwemtsetfo lobunjwe ngekulandzela uMtsetfo wesifundza; futsi
 - umtsetfo lebewusebenta ngesikhatsi loMtsetfosisekelo ucala kusebenta futsi losetjentiswa nguhulumende wesifundza.

Kungahambelani emkhatsini kwemibhalo leyehlukene

240. Uma kwenteka kuba khona kungahambelani emkhatsini kwemibhalo leyehlukene yeMtsetfosisekelo, umbhalo wesiNgisi weMtsetfosisekelo ngiwo longetulu kwato tonkhe tihumusho.

Emalungiselelo esikhashana

241. Ishejuli 6 isebenta kulesikhashana ngalesikhatsi sekwetfulwa kwenchubo lensha yekulandzela kwemtsetfosisekelo lesungulwe nguloMtsetfosisekelo, kanye nanoma nguluphi lolunye ludzaba loluhambelana ngandlela-tsite nalesikhashana sengucuko.

Kucitfwa kwemitsetfo

242. Lemitsetfo lephawulwe kuShejuli 7 iyacitfwa, ngaphasi kwemibandzela yesigaba 243 neShejuli 6.

Sihloko lesifishane nekucala kusebenta

243. (1) LoMtsetfo utawubitwa ngekutsi nguMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika wanga-1996, futsi ucala kusebenta ngelusuku lolutawumenyetelwa nguMengameli, kepha lusuku lolungeke lube semuva kwamhlaka 1 Kholwane 1997.
- (2) Mengameli angahlela tinsuku letehlukile lungakefiki lusuku lolo lushiwo esigatjaneni (1) mayelana netiphakamiso letehlukene taloMtsetfosisekelo.
- (3) Ngaphandle uma kushiwo ngaleny indlela, kucashunwa kwesiphakamiso seMtsetfosisekelo ngesikhatsi uMtsetfosisekelo ucala kusebenta kumele kutsatfwe lokucashunwa njengesikhatsi lesiphakamiso sicala kusebenta.
- (4) Uma ngabe kuhlelwe lusuku lolwehlukile lwekusebenta kwesiphakamiso lesitsite seMtsetfosisekelo ngekulandzela sigatjana (2), noma siphakamiso lesifana naleso seMtsetfosisekelo weRiphabhulikhi yeNingizimu, 1993 (uMtsetfo 200 wanga-1993), lophawulwe kulesimemetelo semtsetfo, uyacitfwa kusukela ngalolo lusuku. (5) Tigaba 213, 214, 215, 216, 218, 226, 227, 228, 229 na 230 ticala kusebenta ngamhlaka 1 Bhimbidwane 1998, kepha loko akuvimbeli kusebenta ngekulandzela loMtsetfosisekelo kwemtsetfo lochazwe kunoma ngutiphi taletiphakamiso kungakefiki lolo lusuku. Kuze kufike lolo lusuku noma siphakamiso lesifana noma ngandlela-tsite netiphakamiso taloMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wanga-1993, sichubeka nekusebenta.