

## SEHLUKO 8

### TINKANTOLO NEKUPHATFWA KWEBULUNGISWA

#### Emandla etebulungiswa

165. (1) Emandla etemtsetfo eRiphabhulikhi asemahlombe etinkantolo.  
 (2) Tinkantolo titimele kepha tingaphasi kweMtsetfosisekelo kanye nemtsetfo kuphela, lekufanele tiwusebentise ngaphandle kwekukhetsa luhlangotsi nangaphandle kwekwesaba, kwekuvuna labanye noma kukhinyabeta.  
 (3) Kute umuntu noma sikhungo sembuso lokumele sitsikamete kusebenta kwetinkantolo.  
 (4) Tikhungo tembuso, ngetinyatselo temtsetfo naletinye tinyatselo, kumele telekelele futsi tivikele tinkantolo kuze kucinisekise kutimela, kusebenta ngaphandle kwekukhetsa luhlangotsi, sitfunti, kufinyeleleka kanye nekusebenta ngemphumelelo kwetinkantolo.  
 (5) Umyalo noma sincumo lesikhishwe yinkantolo sibopha wonkhewonkhe kanye netikhungo tembuso lesisebenta kuto.  
 (6) Somajaji uyinhloko yetemtsetfo futsi usebentisa sibopho sekumiswa kanye nekucaphelwa kwemihambo nemazinga ekusetjentisweni kwemisebenti yetemtsetfo kuto tonkhe tinkantolo.

[SigaTjana (6) sengetwe nguMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012]

#### Luhlelo lwetemtsetfo

166. Tinkantolo -
- yiNkantolo yeMtsetfosisekelo;
  - yiNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala;
  - iNkantolo lePhakeme yaseNingizimu Afrika, kanye nanoma nguyiphi inkantolo yekwendlulisela emacala lengasungulwa ngekulandzela uMtsetfo wePhalamende kutewulalela emacala latfunyelwe ngunobe nguyiphi inkantolo lenesitfunti lesifana neNkantolo lePhakeme yaseNingizimu Afrika;
  - tiNkantolo taboMantji; kanye

- (e) nanoma ngutiphi letinye tinkantolo letisungulwe noma letihlonishwa nguMtsetfo wePhalamende, lokufaka ekhatsi tinkantolo telizinga lelifana neleNkantolo lePhakeme yaseNingizimu Afrika noma tiNkantolo taboMantji.

[Sigaba 166 sivalwe ngesigaba 2 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfo-sisekelo wanga-2012]

## INkantolo yeMtsetfosisekelo

167. (1) INkantolo yeMtsetfosisekelo ibunjwe ngaSomajaji, liSekela laSomajaji kanye nalamanye emajaji layimfica.

[Sigatjana (1) sivalwe ngesigaba 11 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (2) Ludzaba lolusembi kweNkantolo yeMtsetfosisekelo kumele lulalelwe lokungenani ngemajaji lasiphohlongo.
- (3) INkantolo yeMtsetfosisekelo –
- (a) yinkantolo lephakeme yeRiphabhuliki; futsi
- (b) ingancuma
- (i) tindzaba temtsetfosisekelo; futsi
- (ii) nanome ngabe nguyiphi indzaba, uma iNkantolo yeMtsetfosisekelo ivumela kundluliswa kwelicala ngetizatfu tekutsi lendzaba iveta liphuzu lekudzingidvwa lemtsetfo lekubaluleka kwemphakatsi jikelela lelidzinga kubukwa yiNkantolo; futsi
- (c) yenta sincumo sekugcina ngekhatsi kwelulawulo lwayo.

[Sigatjana (3) sivalwe ngesigaba 3 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012]

- (4) YiNkantolo yeMtsetfosisekelo kuphela –
- (a) lengancuma tindzaba lekuphikiswana ngato emkhatsini kwetitfunywa tembuso ezingeni lavelonkhe noma lesifundza mayelana nelizinga ngekweMtsetfosisekelo, emandla kanye nemisebenti yanoma ngumuphi umnyango wembuso;
- (b) ingancuma ngebuntsetfosisekelo weMtsetfosivivinyo noma wephalamende noma wesifundza, kepha loku ingakwenta esimeni lesicatjangwe esigabeni 79 noma 121;
- (c) ingancuma ngeticelo letihlongotwe esigabeni 80 noma 122;

- (d) ingancuma ngebumtsetfosisekelo besichibiyelo seMtsetfosisekelo;
  - (e) ingancuma kutsi iPhalamende noma Mengameli wehlulekile kwenta umsebenti ngekwesibopho semtsetfosisekelo, noma
  - (f) ingacinisekisa umtsetfosisekelo wesifundza ngekulandzela sigaba 144.
- (5) INkantolo yeMtsetfosisekelo ngiyo letsatsa sincumo sekugcina kutsi uMtsetfo wePhalamende, uMtsetfo wesifundza sento seMengameli siyahambelana yini neMtsetfosisekelo, futsi kumele icinisekise noma ngumuphi umyalo wekumisa lotsetfwe yiNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala, yiNkantolo lePhakeme yaseNingizimu Afrika noma yinkantolo lenelizinga lelifanana naleti tinkantolo ngembi kwekutsi lowo myalo ube nemandla.

[Sigatjana (5) sivalwe ngesigaba 3 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012]

- (6) UMtsetfo wavelonkhe noma imitsetfomgomo yeNkantolo yeMtsetfosisekelo kumele ivumele umuntu uma ngabe kunesidzingo sebulungiswa futsi nangemvumo yeNkantolo yeMtsetfosisekelo -
  - (a) kuletsa ludzaba ngco eNkantolo yeMtsetfosisekelo; noma
  - (b) kwendlulisela-ngco sikhalo eNkantolo yeMtsetfosisekelo lesisuka kulenye inkantolo.
- (7) Ludzaba loluphatselele nemtsetfosisekelo lufaka noma yini lephatselele nekuhunyushwa, kuvikela nekucinisekisa kusebenta kweMtsetfosisekelo.

## **INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala**

168. (1) INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ibunjwe ngeMengameli, liSekela laMengameli kanye nelinani lemajaji lekwendluliselwa kuwo emacala lelincunye nguMtsetfo wePhalamende.

[Sigatjana (1) sivalwe ngesigaba 12 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (2) Ludzaba lolusembi kweNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala kumele luncunye linani lemajaji lelibekwe nguMtsetfo wePhalamende.

[Sigatjana (2) sivalwe ngesigaba 12 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (3) (a) INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ingancuma emacala lakendluliselwa kuyo kunoma nguyiphi indzaba lesukela eNkantolo lePhakeme yaseNingizimu Afrika noma inkantolo lesezingeni lelifana neNkantolo lePhakeme yaseNingizimu Afrika, ngaphandle kwetindzaba letimayelana netemisebenti nobe kuncintisana ngendlela lengancunyuwa nguMtsetfo wePhalamende.
- (b) Inkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ingancuma kuphela
- (i) ticelo letendlulisiwe;
  - (ii) tindzaba letiphatselene nekwendluliswa kwemacala; kanye
  - (iii) nanoma nguluphi ludzaba lolungalelwa kuyo esimeni lesichazwe nguMtsetfo wePhalamende.

[Sigatjana (3) sivalwe ngesigaba 4 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfofisekelo wanga-2012]

### **Inkantolo lePhakeme yaseNingizimu Afrika**

169. (1) INkantolo lePhakeme yaseNingizimu Afrika ingancuma –
- (a) noma nguyiphi indzaba yemtsetfosisekelo ngaphandle kwalena -
    - (i) iNkantolo yeMtsetfosisekelo levume kuyilalela ngco ngekulandzela sigaba 167(6)(a); noma
    - (ii) iniketwe nguMtsetfo wePhalamende kulenye inkantolo lizinga layo lelifanana neleNkantolo lePhakeme yaseNingizimu Afrika; kanye
  - (b) nanoma nguluphi ludzaba lolunganiketwa lenye inkantolo nguMtsetfo wePhalamende.
- (2) INkantolo lePhakeme yaseNingizimu Afrika icuketse Ligumbi lelincunyuwe nguMtsetfo wePhalamende, lekumele livumele –
- (a) kusungulwa kwemaGumbi, lanesihlalo sinye nobe letimbili kuliGumbi; kanye
  - (b) nekuniketwa kwemandla emtsetfo kuliGumbi nobe sihlalo neliGumbi
- (3) Ligumbi ngalinye leNkantolo lePhakeme yaseNingizimu Afrika –
- (a) linaMengameli weliJaji
  - (b) linga neliSekela linye nobe langetulu aMengameli wemaJaji; futsi
  - (c) linelinani lalamanye emajaji lancunyuwe ngekulandzela umtsetfo wavelonkhe.

[Sigaba 169 sivalwe ngesigaba 5 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfofisekelo wanga-2012]

## Letinye tinkantolo

170. Tonkhe tinkantolo ngaphandle kwaleti lekushiwo kuto kutigaba 167, 168 na 169 tingancuma tindzaba letibekwe nguMtsetfo wePhalamende wavelonkhe kepha inkantolo yelizinga lelingaphasi kweNkantolo lePhakeme yaseNingizimu Afrika ingeke ikwati kubuka noma incume ngekuhambisana nemtsetfosisekelo kwanoma ngumuphi umtsetfo noma sento seMengameli.

[Sigaba 170 sivalwe ngesigaba 6 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012]

## Tinchubo tetiNkantolo

171. Tonkhe tinkantolo tisebenta ngekulandzela umtsetfo wavelonkhe, futsi imitsetfomgomo netibopho tato kumele tibekwe ngekwemtsetfo wavelonkhe.

## Emandla etinkantolo etindzabeni temtsetfosisekelo

172. (1) Uma ngabe sincumo mayelana nekuhambisana nemtsetfosisekelo kwendzaba lewela ngaphasi kwemandla ayo, inkantolo –
- (a) kumele ibeke kutsi noma muphi umtsetfo noma sento lesingahambisani neMtsetfosisekelo kasinamandla kuze kufike ezingeni lekuncubutana kwaso neMtsetfosisekelo; futsi
  - (b) ingenta noma muphi umyalo lolungile, nalofanelekile, lokufaka ekhatsi -
    - (i) umyalo lokunciphisa kusebenta ngekubuyela emuva kwalokubekwa kwekungasebenti; kanye
    - (ii) nemyalo lomisa lokubekwa kwekungasebenti sikhatsi noma lesinganani iphindze ibeke nemibandzela, kuniketa siphatsimandla lesineligunya kutsi silungise leso siphosiso.
- (2) (a) INkantolo lePhakeme kunato tonkhe yekweNdlulisa emacala, iNkantolo lePhakeme noma inkantolo yelizinga lelifanako ingenta sincumo ngebumtsetfosisekelo beMtsetfo wePhalamende, uMtsetfo wesifundza, nanoma ngukuphi kutiphatsa kwaMengameli, kepha sincumo ngekungahambisani neMtsetfosisekelo asisebenti ngaphandle kwekucinisekisa yiNkantolo yeMtsetfosisekelo.
- (b) inkantolo leyenta sincumo sekungasebenti ngekwemtsetfosisekelo inganiketa

sivimbelo sesikhashana, noma lolunye lusito lwesikhashana kumuntfu, noma ingake imise lelicala kuze kuphume sincumo seNkantolo yeMtsetfosisekelo ngekusebenta kweMtsetfo noma sento.

- (c) Umtsetfo wavelonkhe kumele ubeke indlela yekwendluliselwa kwesincumo sekungahambisani nemtsetfosisekelo.
- (d) noma ngumuphi umuntfu noma sikhungo sembuso lesinenshisekelo angendlulisela licala, noma afake sicelo, lesicondze-ngco eNkantolo yeMtsetfosisekelo kuze inkantolo icinisekise noma igucule sincumo senkantolo sekungahambisani nemtsetfosisekelo ngekulandzela lesigatjana.

### **Emandla lekavele akhona enkantolo**

173. Inkantolo yeMtsetfosisekelo, iNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala kanye netiNkantolo letiPhakeme tinemandla lekavele akhona ekuvikela nekucondzisa inchubo letisebenta ngayo, kanye nekutfufukisa umtsetfo lowetayekile, tinake kuphela tinhloso tebulungiswa.

[Sigaba 173 sivalwe ngesigaba 8 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012]

### **Kukhetfwa kwetiphatsimandla temtsetfo**

174. (1) Noma muphi umuntfu lomsikati noma lomdvuna lofundzele lomsebenti ngalokwenele lofanelekile futsi nalokulungele kuba sesikhundleni, angakhetfwa njengesiphatsimandla setemtsetfo. Noma muphi umuntfu longakhetselwa kuba seNkantolo yeMtsetfosisekelo kumele aphindze abe sakhamuti saseNingizimu Afrika.
- (2) Uma kukhetfwa tiphatsimandla tetemtsetfo, kufanele kubukwe sidzingo sekukhombisa ngalokwenabile kwakheka kwemmango waseNingizimu Afrika ngekwebunhlanga kanye nebulili.
- (3) Mengameli njengenhloko yeSigungu savelonkhe lesengamele, ngemuva kwekubonisana neliKhomishani leMisebenti yeTemtsetfo nebaholi bemacembu lekamelwe esiGungwini saVelonkhe, ukhetsa Somajaji kanye neliSekela laSomajaji, futsi ngemuva kwekubonisana naleliKhomishani leMisebenti yeTemtsetfo, ukhetsa Mengameli kanye neliSekela laMengameli weNkantolo lePhakeme kunato tonkhe

yekweNdlulisela emacala.

[Sigatjana (3) sivalwe ngesigaba 13 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (4) Lawa lamanye emajaji eNkantolo yeMtsetfosisekelo akhetfwa nguMengameli njengenhloko yeSigungu savelonkhe lesengamele ngemuva kwekubonisana naSomajaji nebaholi bemacambu lekamelwe esiGungwini saVelonkhe ngekulandzela lenchubo -
  - (a) LiKhomishani leMisebenti yeTemtsetfo kufanele lilungise luhlu lwemagama ebantfu labaphakanyiswa lolunemagama lamatsatfu ngetulu kwaleso sibalo sebantfu labafanele babekwe etikhundleni, bese liluyisa kuMengameli.
  - (b) Mengameli angabeka bantfu labakuloluhlu lwemagama, futsi kumele achazele leliKhomishani leMisebenti yeTemtsetfo, anikete netizatfu, uma labanye balabantfu labaphakanyisiwe bangemukeleki uma kusadzinga kutsi kubekwe labanye.
  - (c) LiKhomishani leMisebenti yeTemtsetfo kumele lengete kuloluhlu ngalamanye emagama laphakanyisiwe kantsi futsi Mengameli kumele abeke labo bebasele abatsatse kuloluhlu lolwengetiwe.

[Sigatjana (4) sivalwe ngesigaba 13 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (5) Ngato tonkhe tikhatsi, kumele lokungenani emalunga lamane eNkantolo yeMtsetfosisekelo kube bantfu lebebangemajaji ngesikhatsi bakhetselwa kuba seNkantolo yeMtsetfosisekelo.
- (6) Mengameli kumele abeke amajaji ato tonkhe letinye tinkantolo ngekwelulekwa liKhomishani leMisebenti yeTemtsetfo.
- (7) Letinye tiphatsimandla tetemtsetfo kumele tibekwe ngekulandzela uMtsetfo wePhalamente lokumele ucinisekise kutsi kubekwa, kukhushulwa, kuntjintjelwa kulenye indzawo noma kucoshwa noma tinyatselo tekucondziswa kwaletikhulu kwenteka ngaphandle kwekuvuna noma kukhetsa.
- (8) Tingakacali kusebenta letiphatsimandla tetemtsetfo kumele tifunge noma tivume ngekutibopha, ngekulandzela iShejuli 2, kutsi titawuphakamisa tiphindze tivikele uMtsetfosisekelo.

**Kukhetfwa kwemaBambela emaJaji**

175. (1) Mengameli angabeka esikhundleni umuntu lomsikati noma lomdvuna kusebenta njengelibambela leliSekela laSomajaji nobe lijaji leNkantolo yeMtsetfosisekelo uma ngabe kunesikhala kulelinye lalamahhovisi noma uma umuntu lobambe lelo lihhovisi angekho. Lokubekwa esikhundleni kumele kwentiwe ngesiphakamiso selilunga leKhabhinethi leliphetse kuphatfwa kwetebuLungiswa, ngekutsintsana naSomajaji, kantsi kukhetfwa njengelibambela leliSekela laSomajaji kumele kwentiwe kumareni emajaji lakhetfwe kuNkantolo yeMtsetfosisekelo ngekulanzela sigaba 174(4).

[Sigatjana (1) sivalwe ngesigaba 14 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001 futsi sivalwe ngesigaba 9 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012.]

- (2) Lilunga leKhabhinethi leliphetse kuphatfwa kwetebulungiswa kumele libeke emajaji latawubamba tikhundla tebujaji kuletinye tinkantolo ngemuva kwekubonisana nelijaji lelikhulu lalengkantolo lapho khona kutawusebenta lelijaji lelilibambela.

**Sikhatsi sekusebenta kanye nemiholo**

176. (1) Lijaji leNkantolo yeMtsetfosisekelo libekwa esikhundleni kutsi lisebente sikhatsi lesingavuseleleki seminyaka lelishumi nakubili, noma lidzimati lifike eminyakeni lengu-70, kuye ngaloko lokufika kucala, ngaphandle uma uMtsetfo wePhalamende welula lesikhatsi sekusebenta kwelijaji leNkantolo yeMtsetfosisekelo.

[Sigatjana (1) sivalwe ngesigaba 15 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (2) Lamanye emajaji aba sesikhundleni adzimate akhishwe ngekulanzela uMtsetfo wePhalamende.
- (3) Imiholo, tibonelelo netinzuzo temajaji akumelanga tincishiswe.

**Kukhishwa esikhundleni**

177. (1) Lijaji lingakhishwa esikhundleni kuphela nje uma ngabe –
- (a) LiKhomishani leMisebenti yeTemtsetfo litfola kutsi lelo jaji alinawo emandla ekwenta umsebenti, lehluleka ngalokwendlulele kwenta umsebenti noma litfolakale linelicala lekutiphatsa kabi kakhulu; futsi



- (b) Sigungu saVelonkhe sitsatsa sincumo sekutsi lelo jaji likhishwe esikhundleni, ngesincumo lesesekelwe ngemavoti lokungenani elinyenti lalokubili kulokutsatfu kwemalunga aso.
- (2) Mengameli kumele akhiphe lijaji esikhundleni uma ngabe sincumo sekutsi lelo jaji likhishwe semukelwe.
- (3) Mengameli, ngeseluleko seliKhomishani leMisebenti yeTemtsetfo, angemisa emsebentini lijaji leliphawulwe kulenchubo lebekwe esigatjaneni (1).

### LiKhomishani leMisebenti yeTemtsetfo

178. (1) KuneliKhomishani leMisebenti yeTemtsetfo, lelibunjwe -
- (a) nguSomajaji, lowengamela imihlangano yaleliKhomishani;
  - (b) nguMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala;
- [Indzima(b) ivalwe ngesigaba 16 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]
- (c) ngumunye Mengameli wemaJaji lokhetfwe boMengameli bemaJaji;
  - (d) lilunga leKhabhinethi leliphetse tebulungiswa, noma lomunye lokhetfwe ngulelo lunga leKhabhinethi;
  - (e) bameli basemajajini lababili labenta lomsebenti labakhetfwe kulobungcweti bebumeli kutsi bemele bameli balobungcweti bonkhana, futsi lababekwe nguMengameli;
  - (f) bameli lababili labenta lomsebenti labakhetfwe kulobungcweti bebumeli kutsi bemele bameli balobungcweti bonkhana, futsi lababekwe nguMengameli;
  - (g) ngumunye umfundzisi wemtsetfo lokhetfwe bafundzisi bemtsetfo emaNyuvesi aseNingizimu Afrika;
  - (h) bantfu labasifupha lebakhetfwe Sigungu saVelonkhe emalungeni awo, lokungenani labatsatfu kubo lokungemalunga emacembu laphikisako lekamelwe kuleSigungu;
  - (i) titfunywa letine letingesuswa eMkhandlwini waVelonkhe weTifundza letibekwe ngekuhlanganyela nguloMkhandlu ngelivoti lekwesekela lokungenani letifundza letisifupha;
  - (j) bantfu labane lababekwe nguMengameli njengenhloko yeSigungu savelonkhe lesengamele, ngemuva kwekubonisana nebaholi bemacembu onkhe esiGungwini savelonkhe; kanye

- (k) uma kubuyeketwa ludzaba loluphatselene-ngo neLigumbi leNkantolo lePhakeme, Mengameli wemaJaji walelo liGumbi kanye naNdvunankhulu wesifundza lesitsintsekako, noma lomunye lomiswe ngibo.

[Indzima (k) ivalwe ngesigaba 2 seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998 sigaba 16(b) seMtsetfo weSifupha wanga-2001 futsi sivalwe ngesigaba 9 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012.]

- (2) Uma ngabe linani lebantfu labaphakanyisiwe kulomtimba webameli basemajajini noma bameli jikelele ngekulanzela sigatjana (1)(e) noma (f) lilingana tikhala lekumele tigcwaliswe, Mengameli kumele abeke labo bantfu. Uma ngabe linani lebantfu labaphakanyisiwe lengca letikhundla lokumele tigcwaliswe Mengameli, ngemuva kwekubonisana nalomtimba webungcweti bebumeli, kumele abeke linani lelenele kugcwalisa leto tikhala, ngekunaka sidzingo sekutsi lababekiwe bemele bungcweti bebumeli bonkhana.
- (3) Emalunga aleliKhomishani lelakhethwa nguMkhandlu weTifundza asebenta aze akhishwe kanye-kanye, noma kuze kuvele sikhala enanini lawo. Lamanye emalunga lakhetselwa noma emagama awo laphakamiselwa kuleliKhomishani asebenta aze asuswe ngulabo lebawakhetsa noma labaphakamisa emagama abo.
- (4) LiKhomishani leMisebenti yeTemtsetfo linemagunya nemisebenti leliyabelwe nguMtsetfosisekelo nangumtsetfo wavelonkhe.
- (5) LiKhomishani leMisebenti yeTemtsetfo lingeluleka hulumende wavelonkhe noma ngatiphi tindzaba letiphatselene netetinkantolo noma nekuphatfwa kwetemtsetfo, kepha uma licubungula noma luphi ludzaba ngaphandle kwekubekwa kwelijaji, kumele lihlangane ngaphandle kwemalunga lakhethwe ngekulanzela sigatjana (1) (h) noma (i).
- (6) LiKhomishani leMisebenti yeTemtsetfo lingatibekela tinchubo talo, kepha tincumo taleliKhomishani tesekelwa linyenti lemalunga alo.
- (7) Uma Somajaji noma Mengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala angaphumeleli kwesikhashana kusebenta kuleliKhomishani, liSekela laSomajaji noma liSekela laMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala, kuye ngekutsi ngumuphi lotsintsekako, utawungena esikhundleni sakhe kuleliKhomishani.

[Sigatjana (7) sifakwe ngesigaba 2(b) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998 saphindze savalwa ngesigaba 16(c) seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- (8) Mengameli kanye nalabantfu labakhetsa, labaphakamisa noma labamisa emalunga eliKhomishani ngekulandzela sigatjana (1)(c),(e), (f) na-(g), ngendlela lefanako, nabo bangakhetsa, baphakamise noma bamise labatawungena etikhundleni tabo ngamunye njengemalunga, kutsi basebente kuleliKhomishani uma lelilunga lelitsintsekako lingaphumeleli kwesikhashana kutsi lisebente ngesizatfu sekungabi neligunya noma kungabi khona eRiphabhulikhi noma ngenca yanoma ngusiphi lesinye sizatfu lesivakalako.

[Sigatjana (8) sifakwe ngesigaba 2(b) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

### UMtimba wekuShushisa

179. (1) Kunemtimba munye wekushushisa wavelonkhe eRiphabhulikhi lowakhiwe ngekeMtsetfo wePhalamende futsi lobunjwe –
- ngumCondzisi waVelonkhe weTekushushisa, loyinhloko yalomtimba wekushushisa, futsi lobekwe nguMengameli, njengenhloko yeSigungu savelonkhe lesengamele; kanye
  - nebaCondzisi beTekushushisa nebashushisi njengekubekwa kweMtsetfo wePhalamende.
- (2) uMtimba wekuShushisa unemandla ekusungula tinchubo tekushushisa emacala, egameni lembuso, newekuchuba yonkhe imisebenti ledzingekile ekusunguleni tinchubo tekushushisa bugebengu.
- (3) Umtsetfo wavelonkhe kumele ucinisekise kutsi baCondzisi beTekushushisa –
- bafundzele ngalokwenele; futsi
  - banetinzawo letisikiwe lapho bashushisa khona, ngaphasi kwembandzela wesigatjana 5.
- (4) Umtsetfo wavelonkhe kumele ucinisekise kutsi umtimba wekushushisa wenta imisebenti yawo ngaphandle kwelualo, kuvuna nekukhinyabeta.
- (5) UmCondzisi waVelonkhe weTekushushisa –
- kumele ancume, ngekuvumelana nelilunga leKhabhinethi leliphetse tebulungiswa, futsi ngemuva kwekubonisana nebaCondzisi beTekushushisa, tinchubomgomo tekushushisa lokumele tilandzelwe kuyo yonkhe inchubo yekushushisa;

- (b) kumele akhiphe tibopho tenchubomgomo lekumele tilandzelwe kuyo yonkhe inchubo yekushushisa;
- (c) angangenela kulenchubo yekushushisa uma ngabe tibopho tenchubomgomo tingakalandzelwa; futsi
- (d) angabuyeketa kabusha noma akhiphe imiyaletso yekutsi kushushiswe emacala latsite, ngemuva kwekubonisana nemCondzisi weTekushushisa lotsintsekako futsi ngemuva kwekutsatsa luvo kungakapheli sikhatsi lesincunye ngumCondzisi waVelonkhe weTekushushisa, kulaba labalandzelako -
  - (i) Ummangalelwa.
  - (ii) Ummangali.
  - (iii) Noma muphi umuntfu noma licembu umCondzisi waVelonkhe weTekushushisa ambona afanele.
- (6) Lilunga leKhabhinethi leliphetse tebulungiswa kumele kube ngilo lelinemtfwalo wekubeka liso kulomtimba wekushushisa.
- (7) Tonkhe letinye tindzaba letiphatselene nekushushisa kumele tincunye ngukwemtsetfo wavelonkhe.

### Letinye tindzaba letitsintsa kuphatfwa kwetebulungiswa

180. Umtsetfo wavelonkhe ungalungisela noma nguluphi ludzaba lolumayelana nanoma ngukuphi kuphatfwa kwetebulungiswa lokungakatsintfwa kuMtsetfosisekelo, lokufaka ekhatsi –
- (a) tinhlelo tekucesha tiphatsimandla tetemtsetfo;
  - (b) tindlela tekubukana netikhalo ngetiphatsimandla tetemtsetfo; kanye
  - (c) nekufaka sandla kwabantfu ngaphandle kwalabo labatiphatsimandla tetemtsetfo kutincumo tenkantolo.