

ISAHLUKO 8

IINKUNDLA NOKUSINGATHWA KOBULUNGISA

Igunya lokuchofel' amatyala

165. (1) Igunya lokuchofel' amatyala leRiphabliki likwiinkundla.
 (2) Iinkundla zizimele geqe, zilawulwa kuphela nguMgaqo-siseko nangumthetho, emaziwusebenzise ngokungenamkhethe nangokungenaloyiko, ngaphandle kokukholis' umnt' othile okanye ukumona.
 (3) Akukho mntu okanye candelo likarhulumente uvumelekileyo ukuba aphazamise ukusebenza kweenkundla.
 (4) Amacandelo karhulumente, ngokuwis' imithetho nangeziny' iindlela, makazincediswe kwaye azikhusele iinkundla ukuqinisekisa ukuba zizimele geqe, azinamkhethe, zinesidima, ziyafikeleleka kwaye zisebenza ngempumelelo.
 (5) Umyalelo okhutshwe yinkundla okanye isigqibo esikhutshwe yiyo sinkqamangela bonke abantu namacandelo karhulumente esisebenza kubo okanye kuwo.
 (6) Ijaji Eyintloko iyintloko yeejaji kwaye yiyo ephethe ukumiselwa kwemigaqo nokubekwa kwayo esweni iyeyokwenziwa kwemisebenzi yokuchotshelwa kwamatyala kuzo zonke iinkundla.

[Isiqendwana (6) sifakelwe sisiqendu 1 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Iinkundla

166. Iinkundla—
- yiNkundla yoMgaqo-siseko;
 - yiNkundla Ephakamileyo yeZibheni;
 - yiNkundla Ephakamileyo yoMzantsi-Afrika, kunye nayo nayiphi na inkundla ephakamileyo yezibheni esenokusekwa nguMthetho wePalamente ukuze iphulaphule izibheni ezisuka kuyo nayiphi na inkundla ekwinqanaba elilingana neleNkundla Ephakamileyo yoMzantsi-Afrika;
 - ziiNkundla zeeMantyi; kunye
 - nayo nayiphi na enye inkundla esekwe okanye evunyiweyo ngokoMthetho wePalamente, kuquka nayiphi na inkundla ekwinqanaba elilingana

neleNkundla Ephakamileyo yoMzantsi-Afrika okanye elilingana neleeNkundla zeeMantyi.

[Isiqendu (c) no-(e) zifakelwe nguMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

INkundla yoMgaqo-siseko

167. (1) INkundla yoMgaqo-siseko yiJaji eyiNtloko yoMzantsi-Afrika, iSekela leJaji eyiNtloko kunye nezinye ijaji ezilithoba.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 11 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

- (2) Umcimbi ophambi kweNkundla yoMgaqo-siseko mawuphulaphulwe zijaji ezisibhozo ubuncinane.
- (3) INkundla yoMgaqo-siseko—
- (a) yeyona nkundla iphakamileyo kwiRiphabliki; kwaye
 - (b) inokwenza isigqibo.
 - (i) ngemicimbi yoMgaqo-siseko;
 - (ii) nangawo nawuphi na omnye umcimbi, ukuba ithe yavumela ukuba kubhenwe ngesizathu esikukuba loo mcimbi uvelisa ingongoma yomthetho ekunokuphikiswana ngayo ebaluleke kuluntu ngokubanzi emayiqwalaselwe yiNkundla yoMgaqo-siseko; kwaye
 - (c) yiyo eyenza isigqibo esingenakuphikiswa mayela nokuba umcimbi ungowokuchotshelwa yiyo kusini na.

[Isiqendwana (3) sithatyathelwe indawo sisiqendu 3 soMthetho Weshumi Elinesixhenxe Sokwenz' Utshintsho KuMgaqo ka-2012]

- (4) YiNkundla yoMgaqo-siseko kuphela enokuthi—
- (a) yenze isigqibo ngeembambano eziphakathi kwamacandelo karhulumente kurhulumente wezwelonke okanye kowephondo mayela nobume obungokoMgaqo-siseko, amagunya okanye imisebenzi yaloo macandelo karhulumente;
 - (b) yenze isigqibo mayela nokuba uyavisana kusini na noMgaqo-siseko uMthetho oYilwayo wePalamente okanye wephondo, kodwa ivumeleke ukuba yenze njalo kuphela kwiimeko ezilindeleke kwisiqendu 79 okanye 121;
 - (c) yenze isigqibo ngezicelo ekuthetwa ngazo kwisiqendu 80 okanye 122;

- (d) yenze isigqibo mayela nokuba luyavisisana kusini na noMgaqo-siseko utshintsho olwenziwayo kuMgaqo-siseko;
 - (e) yenze isigqibo mayela nokuba iPalamente okanye uMongameli woyisakele kusini na ukuyifeza imbopheleleko engokoMgaqo-siseko; okanye
 - (f) aqinisekise ukufaneleka komgaqo-siseko wephondo ngokwesiqendu 144.
- (5) YiNkundla yoMgaqo-siseko eyenza isigqibo esingenakuphikiswa mayela nokuba uMthetho wePalamente, uMthetho wephondo okanye isenzo sikaMongameli siyavisisana kusini na noMgaqo-siseko, kwaye mayitsho ukuba iyavumelana kusini na nomyalelo ophuthisa loo nto iphuthiswayo okhutshwe yiNkundla Ephakamileyo yeZibheno, yiNkundla Ephakamileyo yoMzantsi-Afrika okanye yinkundla ekwinqanaba elilingana nelezi nkundla, ngaphambi kokuba loo myalelo ube ungasebenza.

[Isiqendwana (5) sithatyathelwe indawo sisiqendu 3 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

- (6) Umthetho wepalamente wezwelonke okanye imigaqo yeNkundla yoMgaqo-siseko mayimvumele umntu, xa kuya kuba bubulungisa ukwenza njalo, ngemvume yeNkundla yoMgaqo-siseko—
 - (a) ukuba awuzise ngqo umcimbi kwiNkundla yoMgaqo-siseko; okanye
 - (b) abhenele ngqo kwiNkundla yoMgaqo-siseko esuka nakuyiphi na inkundla.
- (7) Umcimbi ongoMgaqo-siseko uquka nawuphi na umbandela ongokuchazwa kwentsingiselo, ukukhuselwa, okanye ukunyanzeliswa koMgaqo-siseko.

INkundla Ephakamileyo yeZibheno

168. (1) INkundla Ephakamileyo yeZibheno nguMongameli, uSekela-Mongameli kunye neejaji zesibheno ezililani eligqitywa ngokoMthetho wePalamente.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 12 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

- (2) Umcimbi ophambi kweNkundla Ephakamileyo yeZibheno mawugqitywe zijijaji ezililani eligqitywe ngokoMthetho wePalamente.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 12 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

- (3) (a) INkundla Ephakamileyo yeZibheno inokwenz' isigqibo kuwo nawuphi na umcimbi osuka kwiNkundla Ephakamileyo yoMzantsi-Afrika okanye osuka kwinkundla ekwinqanaba elilinganayo neleNkundla Ephakamileyo YoMzantsi-Afrika, ngaphandle kwemicimbi yabasebenzi okanye yokhuphiswano ngokwendlela exelwe nguMthetho wePalamente.
- (b) INkundla Ephakamileyo yeZibheno ivumeleke ukuba yenze isigqibo kuphela—
- (i) ngezibheno;
 - (ii) ngemibandela enento yokwenza nezibheno;
 - (iii) nangawo nawuphi na omnye umcimbi onokudluliselwa kuyo kwiimeko ezichazwe nguMthetho wePalamente.

[Isiqondwana (3) sithatyathelwe indawo sisiqendu 4 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko]

liNkundla Eziphakamileyo ZoMzantsi-Afrika

169. (1) INkundla Ephakamileyo YoMzantsi-Afrika inokwenz' isigqibo—
- (a) ngawo nawuphi na umcimbi ongoMgaqo-siseko ngaphandle komcimbi—
 - (i) ethe iNkundla yoMgaqo-siseko yavuma ukuba uze kuyo ngqo ngokwesiqendu 167(6)(a) ; okanye
 - (ii) owabelwe nguMthetho wePalamente ukuba uye kwenye inkundla ekwinqanaba elilinganayo neleNkundla Ephakamileyo YoMzantsi-Afrika; kunye;
 - (b) nawo nawuphi na omnye umcimbi ongabelwanga ukuba uye kwenye inkundla nguMthetho wePalamente.
- (2) INkundla Ephakamileyo YoMzantsi-Afrika inamaCandelo amiselwe nguMthetho wePalamente, Mthetho lowo omawuyalele ukuba-
- (a) kwakhiwe amaCandelo, anekomkhulu elinye okanye amanye amabini kwiCandelo ngalinye;
 - (b) kuxelwe ukuba iCandelo linaliphi igunya okanye ikomkhulu elineCandelo.
- (3) ICandelo ngalinye leNkundla Ephakamileyo yoMzantsi-Afrika-
- (a) linoMongameli weeJaji;
 - (b) lisenokuba noSekela-Mongameli weeJaji okanye ooSekela-Mongameli weeJaji abaliqela; kwaye

- (c) linezinye iijaji ezinani lazo liqingqwa ngumthetho wezwelonke wendlu yowiso-mthetho.

[Isiqendu 169 sithatyathelwe indawo sisiqendu 6 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Ezinye iinkundla

170. Zonke iinkundla ngaphandle kwezo kuthethwe ngazo kwisiqendu 167, 168 nesama-169 zinokwenz' isigqibo ngawo nawuphi na umcimbi ogqitywe nguMthetho wePalamente, kodwa iinkundla ekwinqanaba elingaphantsi kweleNkundla Ephakamileyo YoMzantsi-Afrika ayivumelekanga ukuba izame ukufumana ukuba uyavisisana kusini na noMgaqo-siseko umthetho wepalamente okanye isenzo sikaMongameli okanye yenze isigqibo ngako oko.

[Isiqendu 170 sithatyathelwe indawo sisiqendu 6 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

linkqubo zeenkundla

171. Zonke iinkundla zisebenza ngokomthetho wepalamente wezwelonke, kananjalo imigaqo yazo neenkqubo mazixelwe ngumthetho wepalamente wezwelonke.

Amagunya eenkundla kwimicimbi engoMgaqo-siseko

172. (1) Xa isenz' isigqibo ngomcimbi ongoMgaqo-siseko enegunya lawo, iinkundla—
- (a) mayivakalise ukuba nawuphi na umthetho ongavisisaniyo noMgaqo-siseko uphuthile okanye nasiphi na isenzo esingavisisaniyo noMgaqo-siseko siphuthile, kodwa ukuphutha kukuloo ndawana engavisisaniyo noMgaqo-siseko kuphela; kananjalo
 - (b) inokukhupha nawuphi na umyalelo onobulungisa nongakhalazisiyo, kuquka—
 - (i) nomyalelo othintela ukuba kungaqaleli emva ukusebenza komyalelo ophuthisayo; kunye
 - (ii) nomyalelo okuxhomayo ixesha elithile ukubhengezwa kwento iyephuthileyo, kubekho nemiqathango, ngenjongo yokunik' ithuba igunya emalilungise lilungise isiphene eso.

- (2) (a) INkundla Ephakamileyo yeZibheno, iNkundla Ephakamileyo YoMzantsi-Afrika okanye inkundla ekwinqanaba elilingana nelezi nkundla inokukhupha umyalelo mayela nokuba uyavisisana kusini na noMgaqo-siseko uMthetho wePalamente, uMthetho wephondo okanye isenzo sikaMongameli, kodwa umyalelo othi into ayivisisani noMgaqo-siseko awusebenzi de ibe iNkundla yoMgaqo-siseko ivumelene nawo.

[Isiqendu (a) sithatyathelwe indawo sisiqendu 7 soMthetho Weshumi Elinesishenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

- (b) Inkundla ekhupha umyalelo othi into ayivisisani noMgaqo-siseko isenokukhupha umyalelo wexeshana othintela ukwenziwa kwento ethile okanye inike umntu olunye uncedo oluthile lwexeshana, okanye isenokuwuphosa komnye umhla umcimbi lowo, kude kufumaneke isigqibo seNkundla yoMgaqo-siseko ngokubhadla kwaloo Mthetho okanye isenzo.
- (c) Umthetho wepalamente wezwelonke mawuthethe ngokudluliselwa komyalelo wokungavisisani kwento noMgaqo-siseko kwiNkundla yoMgaqo-siseko.
- (d) Nawuphi na umntu okanye icandelo likarhulumente ochaphazeleka ngokwaneleyo uvumelekile ukuba abhene, okanye enze isicelo, ngokuya ngqo kwiNkundla yoMgaqo-siseko ngenjongo yokwenza ukuba iNkundla yoMgaqo-siseko ivumelane nomyalelo wokungabhadli kwento ngokoMgaqo-siseko okanye ngenjongo yokuba iwutshintshe loo myalelo okhutshwe yenye inkundla ngokwesi siqendwana.

Igunya elingenakohluthwa

173. INkundla yoMgaqo-siseko, iNkundla Ephakamileyo yeZibheno neNkundla Ephakamileyo yoMzantsi-Afrika zinegunya elingenakohluthwa lokuyikhusela nokuyilawula ngokwazo inkqubo yazo, nelokuwuphuhlisa umthetho ongabhalwanga phantsi, zicingela ukwenziwa kobulungisa.

[Isiqendu 173 sithatyathelwe indawo sisiqendu 8 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Ukumiselwa kwabachopheli-matyala

174. (1) Nawuphi na umntu olibhinqa okanye oyindoda onemfundo efanelekileyo ongumntu ofanelekileyo unokumiselwa abe ngumchopheli-matyala. Nawuphi na umntu oza kumiselwa ukuba abe kwiNkundla yoMgaqo-siseko, kananjalo makabe ngummi waseMzantsi-Afrika.
- (2) Xa kumiselwa abachopheli-matyala makucingelwe imfuneko yokuba iintlanga zoMzantsi-Afrika nobuni babemi bawo zimelwe ngokobungakanani bazo.
- (3) UMongameli, njengentloko karhulumente wezwelonke, emva kokubonisana neKomishoni yeeJaji neenkokeli zamaqela amelweyo kwiNdlu yoWiso-mthetho, umisela iJaji eyiNtloko neSekela leJaji eyiNtloko aze, emva kokubonisana neKomishoni yeeJaji, amisele uMongameli noSekela-Mongameli weNkundla Ephakamileyo yeZibheni.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 13 soMthetho Wesithandathu Wokwenz' Utshintsho kuMgaqo-siseko ka-2001.]

- (4) Ezinye iijaji zeNkundla yoMgaqo-siseko zimiselwa nguMongameli, njengentloko karhulumente wezwelonke, emva kokubonisana neJaji eyiNtloko neenkokeli zamaqela amelwe kwiNdlu yoWiso-mthetho, ngokwenkqubo elandelayo:
- (a) iKomishoni mayiqulunqe uluhlu lwabatyunjwa olunamagama amathathu ngaphezulu kunenani labantu ekufuneka bemiselwe, ize ilunike uMongameli olu luhlu;
- (b) uMongameli unokumisela iijaji kolo luhlu, kwaye makazise iKomishoni yeeJaji, enika izizathu, ukuba kukho abathile kubatyunjwa abangamkelekiyo naxa kusekho izithuba ezisafuna ukuvalwa;
- (c) iKomishoni yeeJaji mayixabangele uluhlu ngabanye abatyunjwa aze uMongameli azivale izithuba eziseleyo ngokumisela ethabatha kuluhlu oluxatyangelweyo.

[Isiqendwana (4) sathatyathelw' indawo sisiqendu 13 soMthetho Wesithandathu Wokwenz' Utshintsho kuMgaqo-siseko ka-2001.]

- (5) Ngamaxesha onke, ubuncinane iijaji ezine zeNkundla yoMgaqo-siseko makube ngabantu ababezijaji ngexesha ababemiselwa ngalo kwiNkundla yoMgaqo-siseko.
- (6) UMongameli makathi zonke iijaji zezinye iinkundla azimisele ngokucetyiswa yiKomishoni yeeJaji.

- (7) Abanye abachopheli-matyala mabamiselwe ngokoMthetho wePalamente omawuqinisekise ukuba ukumiselwa, ukunyuselwa, ukufuduselwa kwenye indawo, ukugxothwa okanye ukuthatyathelw' amanyathelo oluleko kwaba bachopheli-matyala kwenzeka ngokungazami ukukholisa umntu othile okanye ukumona.
- (8) Ngaphambi kokuba abachopheli-matyala baqalise ukwenza imisebenzi yabo, mabafunge okanye benze isibhambathiso, ngokweSihlomo 2, sokuba baza kuwuxhasa bawukhusele uMgaqo-siseko.

Ukumiselwa kweejaji ezibambeleyo

175. (1) UMongameli usenokumiselwa umntu olibhinqa okanye oyindoda ukuba abe akhonze njengebambela leSekela-Jaji eyiNtloko okanye njengejaji yoMgaqo-siseko ukuba kukho isithuba kwezo zikhundla, okanye ukuba umntu okweswo sikhundla akekho. Ukumiselwa oko makwenziwe ngoncomelo lweLungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa livumelana neJaji eyiNtloko, kwaye umntu omiselwa njengebambela leSekela-Jaji eyiNtloko makanyulwe kwijaji esezimiswe kakade ukuba zibe kwiNkundla yoMgaqo-siseko ngokwesiqendu 174(4).
- (2) Ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa malimisele ijaji ezibambeleyo kwezinye iinkundla emva kokubonisana nejaji elikhawla yenkundla eza kusebenza kuyo ijaji ebambeleyo.

[Isiqendu 175 sithatyathelwe indawo sisiqendu 9 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Amaxesha okuba sesikhundleni nemivuzo

176. (1) Ijaji yeNkundla yoMgaqo-siseko iba sesikhundleni ixesha elingenakuvuselelwa eliyiminyaka eli-12, okanye de ifike kubudala bama-70 eminyaka, kuxhomekeke ekubeni kokuphi okufka kuqala, ngaphandle kwaxa uMthetho wePalamente lolula ixesha lokuba sesikhundleni lejaji yoMgaqo-siseko.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 15 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

- (2) Ezinye ijaji ziba sesikhundleni zide zikhululwe ekusebenzeni ngokoMthetho wePalamente.
- (3) Imivuzo, iimalana ezisecaleni namaqithiqithi afunyanwa zijaji zizinto ezingenakuphungulwa.

Ukushenxiswa

177. (1) Ijaji inokushenxiswa esikhundleni kuphela ukuba–
- iKomishoni yeeJaji ifumanisa ukuba impilo ayiyivumeli ukuba isebenze, ayiwazi umsebenzi wayo ngale ndlela ixakileyo okanye yenze into embi kakhulu; ize
 - iNdlu yoWiso-mthetho imemelele ukuba loo jaji ishenxiswe, ngesigqibo esamkelwe ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo.
- (2) UMongameli makayishenxiswa esikhundleni ijaji kusakwamkelwa isigqibo esimemelela ukushenxiswa kwayo.
- (3) UMongameli, ngokucetyiswa yiKomishoni yeeJaji, unokuyinqumamisa emsebenzini ijaji ekwenzeka kuyo okuxelwe kwisiqendwana (1).

IKomishoni yeeJaji

178. (1) Kukho iKomishoni yeeJaji–
- eyiJaji eyiNtloko, ethi yongamele kwiintlanganiso zeKomishoni;
 - noMongameli weNkundla Ephakamileyo yeZibhenzo;
- [Isiqendu (b) sathatyathelw' indawo sisiqendu 16(a) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]
- uMongameli weeJaji omnye ochongwe ngaBongameli beeJaji;
 - ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa, okanye omnye umntu ochongwe lelo lungu leKhabhinethi;
 - amagqwetha ejaji amabini asebenza njengamagqwetha ejaji atyunjwe kumbutho wamagqwetha eejaji ukuze amele bonke abakulo msebenzi, emiselwe nguMongameli;
 - amagqwetha amabini asebenza njengamagqwetha atyunjwe kumbutho wamagqwetha ukuze amele bonke abakulo msebenzi, emiselwe nguMongameli;
 - umhlohi omnye wezifundo zomthetho ochongwe ngabahlohi bezifundo zomthetho kwiiyunivesithi zaseMzantsi-Afrika;
 - abantu abathandathu abachongwe yiNdlu yoWiso-mthetho kumalungu ayo, ekufuneka ukuba ubuncinane abathathu kubo kube ngamalungu amaqela aphikisayo amelweyo kwiNdlu;

- (i) abathunywa abane abasisigxina kwiBhunga lamaPhondo leZwelonke abachongwe kunye liBhunga ngevoti exhasayo yamaphondo amathandathu ubuncinane;
- (j) abantu abane abachongwe nguMongameli njengentloko karhulumente wezwelonke, emva kokubonisana neenkokeli zawo onke amaqela akwiNdlu yoWiso-mthetho; kuze kuthi
- (k) xa kuqwalaselwa imicimbi ephathelele kwiCandelo elithile leNkundla Ephakamileyo YoMzantsi-Afrika, kubekho noMongameli weeJaji welo Candelo kunye neNkulumbuso yephondo elo, okanye umntu ongomnye ochongwe ngumntu ngamnye kubo.

[Isiqendu (k) sathatyathelwe indawo sisiqendu 2(a) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998 nasisiqendu 16(b) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001 nasisiqendu 10 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012.]

- (2) Ukuba inani labantu abatyunjwe kumagqwetha eejaji okanye kumagqwetha ngokwesiqendwana (1)(e) okanye (f) lilingana nenani lezithuba emazivalwe, uMongameli makabamisele. Ukuba inani labantu abatyunjweyo lithe kratya kunenani lezithuba emazivalwe, uMongameli, emva kokubonisana nabantu abakuloo msebenzi, makamisele inani elaneleyo kwabatyunjweyo ukuvala izithuba, ecingela imfuneko yokuqinisekisa ukuba abamiselweyo bamela bonke abakuloo msebenzi.
- (3) Amalungu eKomishoni achongwe liBhunga lamaPhondo leZwelonke akhonza de indawo yawo ithatyathwe ngamanye xa ewonke, okanye de kubekho isithuba kwini lawo. Amanye amalungu awayechongelwe okanye etyunjelwe ukuba kwiKomishoni akhonza de indawo yawo ithatyathwe ngabo babewachongile okanye babewatyumbile.
- (4) IKomishoni yeeJaji inamagunya nemisebenzi eyabelwe yona kuMgaqo-siseko nakumthetho wepalamente wezwelonke.
- (5) IKomishoni yeeJaji isenokucebisa urhulumente wezwelonke ngawo nawuphi na umcimbi ophathelele kwiinkundla okanye ekusingathweni kobulungisa, kodwa xa iqwalasela nawuphi na umcimbi ngaphandle kokuba iqwalasela ukumiselwa kweejaji, mayihlale engekho amalungu achongwe ngokwesiqendwana (1)(h) no-(i).

- (6) IKomishoni yeeJaji inokuzenzel' isigqibo ngenkqubo yayo, kodwa izigqibo zeKomishoni mazixhaswe luninzi lwamalungu ayo.
- (7) Ukuba iJaji eyiNtloko okanye uMongameli weNkundla Ephakamileyo yeZibheno akakwazi okwexeshana ukukhonza kwiKomishoni, iSekela leJaji eyiNtloko okanye uSekela-Mongameli weNkundla Ephakamileyo yeZibheno, uba libambela lakhe kwiKomishoni.

[Isiqendwana (7) songezwa sisiqendu 2(b) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998 saza sathatyathelw' indawo sisiqendu 16(c) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

- (8) UMongameli nabantu abamisela, abatyumba okanye abachonga amalungu eKomishoni ngokwesiqendwana (1)(c), (e), (f) no-(g), banokuthi, ngendlela ekwanye, bamisele, batyumba okanye bachonge umntu ongomye kwisithuba selungu ngalinye, ukuba akhonze kwiKomishoni nanini na xa ilungu lingakwazi okwexeshana ukukhonza ngenxa yokungaphili kwalo okanye ngenxa yokungabikho kwiRiphabliki okanye ngaso naso nasiphi na esinye isizathu esaneleyo.

[Isiqendwana (8) songezwa sisiqendu 2(b) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

Igunya elitshutshisayo

179. (1) Kukho igunya elinye elitshutshisayo lelizwe lonke kwiRiphabliki, elakhiwe ngokoMthetho wePalamente, ekukho kulo—
- (a) uMlawuli weZwelonke Wotshutshiso, oyintloko yegunya elitshutshisayo, emiselwa nguMongameli, njengentloko karhulumente wezwelonke;
- (b) naBalawuli Botshutshiso nabatshutshisi ngendlela efunwa nguMthetho wePalamente.
- (2) Igunya elitshutshisayo linegunya lokuqalisa ukutshutshisela ulwaphulo-mthetho likwenza oko egameni likarhulumente, nelokwenza nayiphi na imisebenzi eyimfuneko enento yokwenza nokuqalisa ukutshutshisela ulwaphulo-mthetho.
- (3) Umthetho wepalamente wezwelonke mawuqinisekise ukuba aBalawuli Botshutshiso—
- (a) banemfundo efanelekileyo;
- (b) umsebenzi wabo kukutshutshisa kumatyala athile, ngokulawulwa sisiqendwana (5).

- (4) Umthetho wepalamente wezwelonke mawuqinisekise ukuba igunya elitshutshisayo lilisebenzisa igunya lalo lingenaloyiko, lingazami kukholisa umntu othile okanye ukumona.
- (5) Umlawuli Wezwelonke Wotshutshiso—
 - (a) ngokuvumelana nelungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa, nasemva kokubonisana naBalawuli Botshutshiso, makenze isigqibo ngenkqubo yokutshutshisa, emakuqhutywe ngayo ekutshutshiseni;
 - (b) makakhuphe imiyalelo yenkqubo emakuqhutywe ngayo ekutshutshiseni;
 - (c) usenokuthi angenelele ekutshutshiseni xa imiyalelo yenkqubo ingathotyelwa; kwaye
 - (d) usenokusiqwalasela ngokutsha isigqibo sokutshutshisa okanye sokungatshutshisi, emva kokubonisana naBalawuli Bezwelonke Botshutshiso abachaphazelekayo nasemva kokuba ethe, lingaphelanga ixesha eliqingqwe nguMlawuli Wezwelonke Wotshutshiso, waphulaphula abafuna ukukutsho aba bantu balandelayo:
 - (i) umntu omangalelweyo;
 - (ii) ummangali;
 - (iii) nawuphi na omnye uMlawuli Wezwelonke abona ukuba kufanelekile ukuba aphulaphulwe.
- (6) Ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa makube lilo elinezwi lokugqibela phezu kwegunya elitshutshisayo.
- (7) Yonke eminye imicimbi engegunya elitshutshisayo mayigqitywe ngumthetho wepalamente wezwelonke.

Eminye imicimbi engokusingathwa kobulungisa

180. Umthetho wepalamente wezwelonke ungathetha ngawo nawuphi na umcimbi ongokusingathwa kobulungisa ekungathethwanga ngawo kuMgaqo-siseko, kuquka—
 - (a) nokuqeqeshwa kwabachopheli-matyala;
 - (b) neenkqubo zokusingatha izikhalazo ezingabachopheli-matyala; kunye
 - (c) nokuthabath'inxaxheba kwabantu abangengabo abachopheli-matyala bethabath'inxaxheba kwizigqibo zeenkundla.