

ISAHLUKO 8

IZINKANTOLO NOKUPHATHWA KWEZOBULUNGISWA

Igunya lokuphatha umthetho

165. (1) Igunya lokuphatha komthetho waseRiphabhuliki libekwe ezinkantolo.
(2) Izinkantolo zizimele, futhi zisebenza ngokuholwa kuphela nguMthethosisekelo nomthetho, okufanele ziwusebenzise ngokungavuni hlangothi futhi ngaphandle kokwesaba, ukwenzelela noma ukukhetha.
(3) Akukho muntu noma ingxenye yombuso okufanele iphazamise ukusebenza kwezinkantolo.
(4) Izixenye zombuso, kufanele zisize futhi zivikele izinkantolo ukuze ziqinisekise ukuzimela, ukungakhethi, isithunzi, ukufinyeleleka kanye nokusebenza ngendlela efanele kwezinkantolo, ngokusebenzisa umthetho nezinye izinyathelo.
(5) Umyalo noma isinqumo esikhishwe yinkantolo sibopha bonke abantu kanye nezingxenye zombuso ezithintekile.
(6) Ijaji Elikhulu liyinhlolo yezobulungiswa futhi liqhuba umsebenzi wokusungula nokuqapha inkambiso namazinga okuqhuba imisebenzi yezobulungiswa ezinkantolo zonkana.

[Isigatshana sesi (6) singezwe ngesigaba soku 1 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Uhlelo lwezinkantolo

166. Izinkantolo yilezi -
- (a) iNkantolo Yomthethosisekelo;
 - (b) iNkantolo Enkulu okwedluliselwa kuyo amacala;
 - (c) iziNkantolo Ezinkulu zaseNingizimu Afrika, kumbandakanya noma iyiphi inkantolo enkulu yokwedlulisela amacala engamiswa nguMthetho Wephalamende ukuze iqule amacala adluliswe avela eziNkantolo ezisezizingeni elifanayo neleziNkantolo Eziphakeme zaseNingizimu Afrika;
 - (d) iziNkantolo Zomantsi; kanye
 - (e) nanoma yiziphi ezinye izinkantolo ezimisiwe noma ezamukelwe ngokoMthetho Wephalamende, kumbandakanya noma yiziphi izinkantolo

ezisezingeni elifanayo neleziNkantolo Eziphakeme zaseNingizimu Afrika noma iziNkantolo Zomantshi.

[Isigatshana (c) no (e) ziguqulwe ngesigaba sesi 2 soMthetho weshumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Inkantolo yoMthethosisekelo

167. (1) INkantolo Yomthethosisekelo yakhiwe nguMongameli Wamajaji aseNiningizimu Afrika, iPhini Likamongameli Wamajaji kanye namanye amajaji ayisishiyagalolunye.

[Isigatshana soku-(1) indawo yaso ithathwe yisigaba se-11 soMthetho Weshumi Nanye Wokuchibiyela uMthethosisekelo we-2001.]

- (2) Udaba oluphammbi kweNkantolo Yomthethosisekelo kufanele lwethanyelwe ngamajaji ayisishiyagalombili okungenani.
- (3) INkantolo Yomthethosisekelo –
- (a) iyinkantolo ephakeme eRiphabhuliki; futhi
 - (b) inganquma
 - (i) ngezindaba zomthethosisekelo, kanye
 - (ii) nangezinto izindaba, uma iNkantolo yoMthethosisekelo ikhipha imvume yokulidlulisa ngesizathu sokuthi lolo daba liveza impikiswano kwezomthetho emphakathini ngokujwayelekile okufanele lubhekwe ileyo Nkantolo, futhi
 - (c) ithatha isinqumo esingujuqu mayelana nokuthi ngabe udaba luwudaba olungaphansi kwegunya layo.

[Isigatshana sesi (3) siguqulwe ngesigaba sesi 3 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

- (4) YiNkantolo Yomthethosisekelo kuphela –
- (a) enganquma ngezingxabano ezingaba khona phakathi kwezingxenyane zombuso zikazwelonke noma zesifundazwe eziphatelene nesimo ngokomthethosisekelo, amandla noma imisebenzi yanoma yiziphi lezo zingxenyane zombuso;
 - (b) enganquma ngokuhambisana nomthethosisekelo kwanoma yimuphi uMthethosivivinywa wephalamende noma wesifundazwe, kodwa ingakwenza lokho kuphela ezimweni ezilindelwe esigabeni sama-79 noma se-121;
 - (c) enganquma ngezicelo ezicatshangwa esigabeni sama-80 noma se-122;

- (d) enganquma ngokuhambisana nomthethosisekelo kwanoma yikuphi ukuchibiyela okwenziwe kuMthethosisekelo;
 - (e) enganquma ukuthi iPhalamente noma uMongameli behlulekile ukufeza isibopho somthethosisekelo; noma
 - (f) engaqinisekisa umthethosisekelo wesifundazwe ngokwesigaba se-144.
- (5) INkantolo yoMthethosisekelo yenza isinqumo esingujuqu ngokuthi uMthetho Wephalamende, uMthetho wesifundazwe noma isenzo sikaMongameli siyahambisana yini nomthethosisekelo, futhi kufanele iqinisekise ukungasebenzi kwanoma yimuphi umyalo owenziwe yiNkantolo Enkulu Yokwedluliswa Kwamacala, yiNkantolo Ephakeme, noma yinkantolo yezinga elifanayo, ngaphambi kokuthi lowo myalo ube namandla athile.

[Isigatshana sesi –(5) siguqulwe ngesigaba sesi 3 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

- (6) Umthetho kazwelonke noma imitheshwana yeNkantolo Yomthethosisekelo kufanele ivumele umuntu, uma kuzosebenzela ubulungiswa kanye nangemvume yeNkantolo Yomthethosisekelo –
 - (a) ukuthi ase udaba ngqo eNkantolo Yomthethosisekelo; noma
 - (b) ukuthi edlulisele udaba luqonde ngqo eNkantolo Yomthethosisekelo luvela kunoma iyiphi enye inkantolo.
- (7) Udaba olumayelana nomthethosisekelo lumbandakanya noma yini ephathelene nokuhunyushwa, ukuvikelwa nokuphoqelelwa koMthethosisekelo.

INkantolo Enkulu Yamajaji yokwedluliswa kwamacala

168. (1) INkantolo Enkulu Yamajaji yokwedluliselwa kwamacala inoMongameli, iPhini likaMongameli kanye nenani lamajaji okwedluliselwa kwamacala elibekwe nguMthetho wePhalamente.

[Isigatshana soku-(1) indawo yaso ithathwe yisigaba se-12 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

- (2) Udaba oluphambi kweNkantolo Enkulu yokwedluliselwa kwamacala kufanele lunqunywe yinani lamajaji elishiwo nguMthetho Wephalamende.

[Isigatshana sesi-(2) indawo yaso ithathwe yisigaba se-12 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

- (3) (a) INkantolo Enkulu yokwedluliselwa kwamacala, inganquma nganoma yiziphi izindaba ezedlulisiwe ezivela eNkantolo ePhakeme yaseNingizimu Afrika noma enkantolo esezingeni elifanayo neleNkantolo ePhakeme yaseNingizimu Afrika, ngaphandle uma kuwudaba oluphathelele nomsebenzi noma nokuncintisana ngaleyo ndlela olunganqunywa ngoMthetho wePhalamende.
- (b) Inkantolo Enkulu Yokudlulisa amacala inganquma kuphela —
- (i) ngamacala edlulisiwe;
 - (ii) ngezinto eziphathelele nokwedluliswa kwamacala; kanye
 - (iii) nanganoma yiluphi olunye udaba olungabhekiswa kuyo ezimweni ezichazwe nguMthetho Wephalamende.

[Isigatshana sesi (3) siguqulwe ngesigaba sesi 4 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

IziNkantolo eziPhakeme zaseNingizimu Afrika

169. (1) INkantolo ePhakeme yaseNingizimu Afrika inganquma -
- (a) nganoma yiluphi udaba lomthethosisekelo ngaphandle kodaba –
 - (i) iNkantolo yoMthethosisekelo evumile ukulalalela ngqo ngokwemigomo yesigaba se 167(6)(a); noma
 - (ii) olwabelwe enye inkantolo yezinga elifanayo neleNkantolo Ephakeme yaseNingizimu Afrika; futhi
 - (b) nanganoma yiluphi olunye udaba olungabelwe enye inkantolo nguMthetho Wephalamende.
- (2) INkantolo ePhakeme yaseNingizimu Afrika yakhiwe amaGatsha anqunywe ngoMthetho wePhalamende, lowo Mthetho okufanele uhlinzekele –
- (a) ngokusungula amaGatsha, enezihlalo esisodwa noma ezingaphezulu kwesisodwa oGatsheni; futhi
 - (b) ukuthwesa iGatsha igunya noma isihlalo eGatshani.
- (3) IGatsha ngalinye leNkantolo ePhakeme yaseNingizimu Afrika –
- (a) lineJaji Elingamele;
 - (b) lingaba naPhini leJaji Elingamele elilodwa noma angaphezulu kwelilodwa; futhi
 - (c) linelinye inani lamanye amajaji anqunywe ngokwemigomo yomthetho kazwelonke.

[Isigaba 169 siguqulwe ngesigaba sesi 5 soMthetho weShumi nesikhombisa oChibiyela uMthetho sisekelo wezi 2012.]

Ezinye izinkantolo

170. Zonke izinkantolo ngaphandle kwalezo ezivezwe esigabeni 167, 168, 169 zinganquma nganoma iluphi udaba olushiwo nguMthetho Wephalamende, kodwa izinkantolo ezizezingeni elingaphansi kweleNkantolo ePhakeme yaseNingizimu Afrika azivunyelwe ukucwaninga noma zibeke isinqumo ngokuhambisana nomthethosisekelo kwanoma yimuphi umthetho noma isenzo sikaMongameli.

[Isigaba 170 siguqulwe ngesigaba sesi 6 soMthetho wesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Izinqubo ezilandelwa yinkantolo

171. Zonke izinkantolo zisebenza ngokomthetho kazwelonke, futhi imitheshwana nezinqubo ezilandelwayo zazo kufanele zihlinzekelwe ngokomthetho kazwelonke.

Amandla ezinkantolo ezindabeni zomthethosisekelo

172. (1) Lapho yenza isinqumo odabeni lomthethosisekelo olusemandleni ayo, inkantolo –
- (a) kufanele isho ukuthi noma yimuphi umthetho noma isenzo esingahambisani nomthethosisekelo awusebenzi ngokomthetho kuye ngezinga lokungahambisani kwalokho nomthethosisekelo; futhi
 - (b) ingenza noma yimuphi umyalo olungile nofanele, kumbandakanya –
 - (i) umyalo obeka umkhawulo wokusebenza kwesiphakamiso sokuphambana nomthetho esikhathini esedlule; kanye
 - (ii) nomyalo olengisa isiphakamiso sokuphambana nomthetho kwanoma yisiphi isikhathi futhi nanganoma yiziphi izimo, ukuze iziphethimandla ezifanele zilungise lelo phutha.
- (2) (a) INkantolo Enkulu yokwedluliswa kwamacala, iNkantolo Ephakeme yaseNingizimu Afrika noma inkantolo yezinga elifanayo neleNkantolo Ephakeme ingenza umyalo mayelana nokuthi uMthetho Wephalamende, uMthetho wesifundazwe kanye nanoma yisiphi isenzo sikaMongameli, kuyahambisana yini nomthethosisekelo, kodwa umyalo wokuthi okuthile

akuhambisani nomthethosisekelo awukwazi ukusebenza ngaphambi kokuthi kuqinisekiswa yiNkantolo Yomthethosisekelo.

[ndima (a) iguqulwe ngesigaba sesi 7 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

- (b) Inkantolo ekhipha umyalo mayelana nokungahambisani nomthethosisekelo ingenza isinqumo sesikhashana esinqanda noma esiphoka ukuthi kwenziwe okuthile noma inike, noma yenze esinye isinqumo sesikhashana esingasiza othintekile odabeni, noma ingamisa ukuqhutshwa kodaba enkantolo, kuze kuphume isinqumo seNkantolo Yomthethosisekelo mayelana nokubasemthethweni kwalowo Mthetho noma isenzo.
- (c) Umthetho kazwelonke kufanele uhlinzekele ukwedluliselwa komyalo wokuthi okuthile akuhambisani nomthethosisekelo eNkantolo Yomthethosisekelo.
- (d) Noma yimuphi umuntu noma ingxenye yombuso ethintekile ngokwanele ingedlulisela udaba eNkantolo Yomthethosisekelo noma ifake isicelo siqonde ngqo eNkantolo Yomthethosisekelo, ukuba iqinise noma iguqule umyalo wokuthi okuthile kuphambene nomthethosisekelo okhishwe yinkantolo ngokwalesi sigatshana.

Amandla avele akhona ezinkantolo

173. INkantolo Yomthethosisekelo, iNkantolo Enkulu yokwedlulisela amacala kanye neziNkantolo Eziphakeme zaseNingizimu Afrika ngayinye zinamandla avele akhona okuvikela nokulawula izinhlelo zazo, kanye nawokuthuthukisa umthetho ojwayelekile, kube kuqikelelwe izidingo zobulungiswa.

[Isigaba 173 siguqulwe ngesigaba sesi 8 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Ukuqokelwa ezikhundleni kwabehluleli basezinkantolo

174. (1) Noma yimuphi umuntu wesifazane noma wesilisa ofanele futhi ongumuntu okulungele ukuthi abe kulesi sikhundla angaqokwa njengomehluleli wasenkantolo. Noma yimuphi umuntu ozoqokelwa esikhundleni seNkantolo Yomthethosisekelo kufanele abe yisakhamuzi saseNingizimu Afrika.
- (2) Isidingo sokuthi abehluleli basezinkantolo babonise kabanzi, ukwakheka kweNingizimu Afrika ngokobuhlanga nangokobulili kufanele sicutshangwe uma

abehluleli basezinkantolo beqokelwa ezikhundleni.

- (3) UMongameli, njengenhloko yabaphathi bakazwelonke, ngemuva kokubonisana neKhomishani Yemisebenzi Yobulungiswa nabaholi bamaqembu amelwe kusiGungu Sikazwelonke, uqoka uMongameli Wenkantolo Yomthethosisekelo nePhini Likamongameli Wamajaji Enkantolo Yomthethosisekelo futhi ngemuva kokubonisana neKhomishana Yemisebenzi Yobulungiswa, uqoka uMongameli kanye nePhini likaMongameli beNkantolo Enkulu Yokwedluliselwa Kwamacala.

[Isigatshana sesi-(3) indawo yaso ithathwe yisigaba se-13 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

- (4) Amanye amajaji eNkantolo Yomthethosisekelo aqokwa nguMongameli njengenhloko ephethe kuzwelonke, ngemuva kokubonisana noMongameli Wamajaji Enkantolo Yomthethosisekelo, kanye nabaholi bamaqembu amelwe kusiGungu Sikazwelonke elandela inqubo elandelayo:
- (a) IKhomishani Yemisebenzi Yobulungiswa, kufanele yenze uhlu lwamagama abantu abaphakanyiwiwe lube namagama amathathu ngaphezu kwaleso sibalo sabantu abafanele baqokelwe ezikhundleni, bese elunikeza uMongameli loluhla.
- (b) UMongameli angaqokela ezikhundleni abantu abasohlwini, futhi kufanele azise iKhomishani Yemisebenzi Yobulungiswa ngezizathu, uma kukhona abaphakanyiwiwe abangemukelekile, futhi kusenesidingo sokuqokelwa kwabanye ezikhundleni.
- (c) IKhomishani Yemisebenzi Yobulungiswa, kufanele linezelele uhla ngamanye amagama aphakanyiwiwe, futhi uMongameli kufanele aqoke laba abasele ohlwini olunezezelwe.

[Isigatshana sesi-(4) indawo yaso ithathwe yisigaba se-13 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

- (5) Ngazo zonke izikhathi, kufanele okungenani amalungu amane eNkantolo Yomthethosisekelo kube ngabantu ababengamaJaji ngesikhathi beqokelwa ukuba ngamaJaji Enkantolo Yomthethosisekelo.
- (6) UMongameli kufanele aqoke amaJaji azo zonke ezinye izinkantolo, ngokuyalelwa yiKhomishani Yemisebenzi Yobulungiswa.
- (7) Abanye abehluleli basezinkantolo kufanele baqokwe ngokoMthetho Wephalamende okufanele uqikelele ukuthi ukuqokwa kwabo, ukukhushulelwa

ezikhundleni ezithe xaxa, ukushintshelwa kwenye indawo noma ukuxoshwa emsebenzini, noma ukuqondiswa kwezigwegwe, lokhu kwenziwa ngaphandle ngokuvuna abathile noma ukukhetha abathile.

- (8) Ngaphambi kokuthi abehluleli basezinkantolo baqale ukwenza imisebenzi yabo kufanele bafunge noma benze isiqinisekiso ngokulandela lokho okushiwo kuSheduli yesi-2, ukuthi bazowuphakamisa bawuvikele uMthethosisekelo.

Amajaji angamabamba

175. (1) UMongameli angaqoka umuntu wesifazana noma wesilisa ukuba asebenze njengeJaji eliyibamba lePhini leJaji elinguMongameli noma leNkantolo Yomthethosisekelo uma kunesikhala kulawa mahhovisi, noma uma umuntu okuleso sikhundla engekho. Ukuqokwa kweJaji kufanele kwenziwe ngokulandela izincomo zelungu leKhabinethi elibhekele ukuphathwa kwezobulungiswa ezenziwa ngokwesekwa nguMongameli weNkantolo yoMthethosisekelo futhi ukuqokwa kwebamba lePhini leJaji elinguMongameli kufanele kwenziwe kumazinga amajaji ayeqokwe eNkantolo yoMthethosisekelo ngokwemigomo yesigaba 174(4).
- (2) Ilungu leKhabinethi elibhekele ukuphathwa kwezobulungiswa kufanele liqoke amaJaji angamabamba kwezinye izinkantolo ngemuva kokubonisana neJaji elisesikhundleni esiphezulu kuleyo nkantolo lapho iJaji eliyibamba lizosebenza khona.

[Isigatshana 175 siguqulwe ngesigaba sesi 9 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2001.]

Isikhathi sokuba sesikhundleni kanye nokukhokhelwa

176. (1) Amajaji eNkantolo Yomthethosisekelo aqokelwa isikhathi esingenakuvuselelwa esiyiminyaka eyi-12, noma kuze kufike lapho efika eminyakeni engama-70 yobudala, kwencike ekutheni yikuphi okufika kuqala, ngaphandle kwalapho uMthetho Wephalamende welula isikhathi sokuba sesikhundleni seJaji leNkantolo Yomthethosisekelo.

[Isigatshana soku-(1) indawo yaso ithathwe yisigaba se-15 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

- (2) Amanye amajaji ahlala ezikhundleni aze ayekiswe emsebenzini njengokusho koMthetho Wephalamende.
- (3) Amaholo, izimali ezibonelela okuthile kanye nokusizakala okuyingxenye yeholo lamajaji akufanele kuncishiswe.

Ukususwa esikhundleni

177. (1) Ijaji lingasuswa esikhundleni kuphela uma –
 - (a) iKhomishani Yemisebenzi Yobulungiswa iithola ukuthi ijaji lehluleka kakhulu ukuwenza ngendlela umsebenzi walo, noma litholakale linecala elibi lokungaziphathi ngendlela efanele, futhi
 - (b) nesiGungu Sikazwelonke uthi ijaji lelo lisuswe esikhundleni, ngesinqumo esesekwa okungenani ngamalunga aso amabili kwamathathu.
- (2) UMongameli kufuneka alisuse ijaji esikhundleni ngemuva kokwamukelwa kwesinqumo sokususwa kwalelo jaji.
- (3) UMongameli ngokwelulekwa yiKhomishani Yemisebenzi Yobulungiswa, angalimisa emsebenzini okwesikhashana ijaji elithintekayo kulezo zinqubo ezishiwo kusigatshana soku-(1).

IKhomishani Yemisebenzi Yobulungiswa

178. (1) IKhomishani Yemisebenzi Yobulungiswa Yakhiwe –
 - (a) nguMongameli Wamajaji Enkantolo Yomthethosisekelo, elengamela imihlangano yeKhomishani;
 - (b) nguMongameli Wenkantolo Enkulu yokwedluliselwa kwamacala;

[Indima (b) indawo yayo ithathwe yisigaba se-16(a) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

- (c) iJaji eNgamele isifundazwe elikhethwe ngamanye amaJaji eNgamele kwezinye izifundazwe;
- (d) Ilungu leKhabinethi elibhekene nokuphathwa kwezobulungiswa, noma umuntu okhethwe yilelo lungu ukuba alimele kwiKhomishani;
- (e) abameli ababili bezinkantolo zamajaji abasebenzayo ngaleso sikhathi abaphakanyiswe ngabanye abameli basemajajini ukuba bamele bonke abameli basemajajini, futhi beqokwe nguMongameli wezwe;

- (f) abameli ababili abakhethwe ngabanye abameli bakwezinye izinkantolo, ukuba bamele bonke laba bameli, futhi beqokwe nguMongameli wezwe;
- (g) umfundisi oyedwa wezomthetho okhethwe ngabafundisi bezomthetho kuziyunivesi zaseNingizimu Afrika;
- (h) amalungu esiGungu Sikazwelonke ayisithupha aqokwe yisiGungu Sikazwelonke, okungenani abathathu kubona kufuneka kube ngamalungu amaqembu aphikisayo amelwe kusiGungu;
- (i) amalungu amane oMkhandlu Wezifundazwe Kazwelonke aqokwe kanyekanye nguMkhandlu ngevoti lisekwe okungenani yizifunda eziyisithupha;
- (j) amalungu amane aqokwe nguMongameli njengenhloko ephethe kaZwelonke ngemuva kokubonisana nabaholi bamaqembu wonke kusiGungu Sikazwelonke; kanye
- (k) nalapho kucutshungulwa izindaba eziqondene neGatsha leNkantolo ethile ePhakeme eNingizimu Afrika iJaji Elengamele lelo Gatsha noNdunakulu waleso sifundazwe noma umuntu okhethwe nguNdunankulu waleso sifundazwe.

[Indima (k) indawo yayo ithathwe yisigaba sesi 2 soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998 kanye nayisigaba se 16(b) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001 futhi kanye nangesigaba 10 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi2012.]

- (2) Uma inani labantu abaphakanyiswe ngabameli basemajjini nabanye abameli ngokwesigatshana soku-(1)(e) noma (f) lilingana nezikhala okufanele zigcwaliswe, uMongameli wezwe kufanele abaqokele ezikhundleni. Uma inani labantu abaphakanyisiwe leqile enanini lezikhala okufanele zigcwaliswe, uMongameli kufanele aqoke abantu abaphakanyisiwe abalingana izikhala ngemuva kokubonisana nalowo mkhakha wabameli othintekayo, futhi kufanele aqikelele ukuthi laba abaqokwayo bawumele lowo mkhakha wabameli jikelele.
- (3) Amalungu eKhomishani akhethwe uMkhandlu Wezifundazwe Kazwelonke asebenza aze ashintshwe ewonke, noma kuze kuvele isikhala kuwona. Abanye abangamalungu eKhomishani basebenza kuyona baze bahoxiswe yilaba ababebaphakamisile.
- (4) IKhomishani Yemisebenzi Yobulungiswa inamandla nemisebenzi enikezwe yona nguMthethosisekelo nomthetho kazwelonke.

- (5) IKhomishani Yemisebenzi Yobulungiswa ingaluleka uhulumeni kazwelonke kunoma yiluphi udaba oluhambisana nobulungiswa noma nokuphathwa komthetho kodwa, uma icubungula noma yiluphi udaba ngaphandle kokuqokwa kweJaji, kufuneka ihlangane ngaphandle kwamalungu aqokwe njengokusho kwesigatshana soku-(1) (h) no-(i).
- (6) IKhomishani Yemisebenzi Yobulungiswa ingamisa izinqubo zayo, kodwa izinqumo zeKhomishana kufuneka zeseke yiningi lamalungu ayo.
- (7) IJaji Elikhulu noma uMongameli Wenkantolo Enkulu Yokwedluliselwa Kwamacala angakwazi ukusebenza kuKhomishani okwesikhashana, iPhini Lejaji Elikhulu noma iPhini Likamongameli Wenkantolo Enkulu Yokwedluliselwa Kwamacala, kulokho okuzobe kwenzeka, lizosebenza njengozolimela kuKhomishani.

[Isigatshana sesi-(7) singezwe yisigaba sesi-2(b) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we-1998 futhi indawo yaso ithathwe sisigaba se-16(c) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

- (8) Umongameli kanye nabantu abaqoka, baphakamise noma bakhombe amalungu eKhomishani ngokwesigaba soku-(1) (c), (e), (f) noma (g), ngendlela efanayo bangaqoka, baphakamise noma bakhombe omunye ongangena esikhundleni selungu ngalinye, ukuba asebenze kuKhomishani njalo lapho ilungu elithenkile lingakwazi ukwenza njalo ngenxa yesizathu sokwehluleka noma sokungabikho eRiphabhuliki noma ngenxa yanoma yisiphi esinye isizathu esanele.

[Isigatshana sesi-(8) singezwe yisigaba sesi-2(b) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we-1998]

IsiPhathimandla sezokushushisa

179. (1) Kukhona isigungu sezokushushisa esisodwa eRiphabhuliki esimiswe ngokoMthetho Kazwelonke, futhi esakhiwe yilaba –
 - (a) uMqondisi Kazwelonke Wezokushushiswa Komphakathi, oyinhloko yesigungu sezokushushisa, futhi uqokwa nguMongameli njengenhloko kazwelonke ephethe, kanye
 - (b) nabaQondisi Bezokushushiswa Komphakathi ababekwe nguMthetho Wephalamende.

- (2) Isiphathimandla sezokushushisa sinamandla okushushisa egameni lombuso, nelokwenza noma yikuphi okuhambisana nokushushisa ukuze amacala athethiwe ezinkantolo.
- (3) Umthetho kazwelonke kufanele uqikelele ukuthi abaQondisi Bezokushushiswa Komphakathi –
 - (a) banemfundo elungele lesi sikhundla; futhi
 - (b) babhekana nokushushisa ezindaweni ezithile ezigaguliwe ngaphansi kwesigatshana sesi-(5).
- (4) Umthetho kazwelonke kufanele uqikelele ukuthi isiphathimandla sezokushushisa senza umsebenzi waso ngaphandle kokwesaba, ukwenzelela nokukhetha abanye.
- (5) UMqondisi Kazwelonke Wezokushushiswa Komphakathi –
 - (a) kufanele, ngokuvumelana nelungu leKhabhinethi elibhekene nokuphathwa kwezobulungiswa, futhi nangemuva kokubonisana nabaQondisi Bezokushushiswa Komphakathi, amise imigomo yokushushisa okufanele ilandelwe uma kushushiswa;
 - (b) kufanele akhiphe imiyalo ecacisa imigomo okufanele ilandelwe uma kushushiswa;
 - (c) angangenelela ohlelweni lokushushisa uma ngabe imiyalo yemigomo ingalandelwanga; futhi
 - (d) angasihlolisisa kabusha isinqumo sokuthi udaba lushushiswe noma lungashushiswa, ngemuva kokubonisana noMqondisi Wezokushushiswa Komphakathi ofanele futhi ngemuva kokuzwa izethulo esikhathini esibekwe nguMqondisi Kazwelonke Wezokushushiswa Komphakathi, ezivela:
 - (i) Kumuntu obekwe icala.
 - (ii) Kummangali.
 - (iii) Kunoma yimuphi omunye umuntu noma iqembu uMqondisi Kazwelonke Wokushushiswa Komphakathi athatha ukuthi lithintekile.
- (6) Ilungu leKhabhinethi elibhekene nokuphathwa kobulungiswa kufanele libe nokwengamela okungumnqamula juqu ngaphezu kwesiphathimandla sezokushushisa.
- (7) Zonke ezinye izindaba eziphathelene nesiphathimandla sezokushushisa kufanele zinqunywe ngumthetho kazwelonke.

Ezinye izindaba ezimayelana nokuphathwa kwezobulungiswa

180. Umthetho kazwelonke ungahlinzekela noma yiluphi udaba olumayelana nokuphathwa kwezobulungiswa olungadingidwanga kuMthethosisekelo, kumbandakanya –
- (a) izinhlelo zokuqeqesha abangameli basezinkantolo;
 - (b) izinqubo ezilandelwayo zokubhekana nezikhalo ezithinta abangameli basezinkantolo; kanye
 - (c) nokubamba iqhaza kwabantu abangebona abangameli bezinkantolo ekuthathweni kwezinqumo zenkantolo.