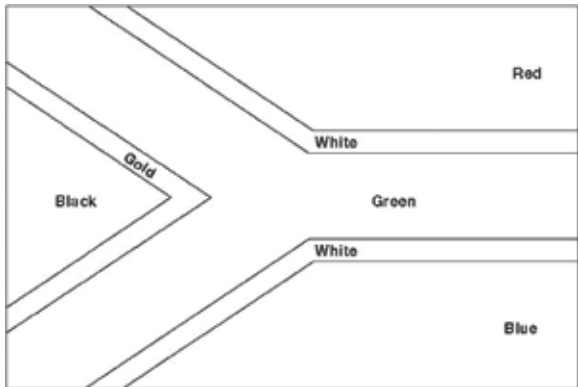


# ISIHLOMELO 1

## IFLEGI YELIZWE

- (1) Iflegi yelizwe ibubude obungalinganiyo nobubanzi; ubude bayo bungaphezu kobubanzi ngokuphindwe kanye nesiqingatha.
- (2) Iyimibala omnyama, nogolide, noluhlaza, nomhlophe, nobomvu, noluhlaza okwesibhakabhaka.
- (3) Inomzobo oluhlaza omilise okukanobumba u-Y obubanzi busisinye kwisihlanu sobubanzi beflegi. Imigca ephakathi yalo mzobo iqala kwiikona eziphezulu nakwezisezantsi kufutshane nesikhondo seflegi, idibane embindini, ize iqhubeke ixwese ukuya embindini wesiphelo esiphephezelayo.
- (4) Umzobo oluhlaza unamacala agolide, ngentla nangezantsi emhlophe, nangasekuyeni kwisiphelo seflegi. Umqokumbelo ngamnye ungaphezulu ngesinye kwishumi elinesihlanu ngobubanzi kunobubanzi beflegi.
- (5) Unxantathu ongakwisikhondo seflegi umnyama.
- (6) Umzobo ongentla oxwesileyo ubomvu okwetshilisi uze umzobo ongezantsi oxwesileyo ube luhlaza okwesibhakabhaka. Le mizobo ngamnye kuwo ubanzi ngesinye kwisithathu kunobubanzi beflegi.



Red = Bomvu

White = Mhlophe

Gold = Golide

Green = Luhlaza

Black = Mnyama

White = Mhlophe

Blue = Luhlaza okwesibhakabhaka

# **ISIHLOMELo 1A**

## **IMIMANDLA YAMAPHONDO**

[Sihlomelo 1A safakelwa sisiqendu 4 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005, saza senziwa utshintsho sisiqendu 1 soMthetho Weshumi Elinesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2007, nanguMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

### **IPhondo laseMpuma-Koloni**

[Ukucandwa kwemida yePhondo laseMpuma-Koloni kwathatyathelw' indawo nguMthetho Weshumi Elinesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2007]

iMaphu 3 yeSihlomelo 1 kwiSaziso 1998 sika-2005

iMaphu 6 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iMaphu 7 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iMaphu 8 yeSihlomelo 2 kwiSaziso sika-2005

iMaphu 9 yeSihlomelo 2 kwiSaziso sika-2005

iMaphu 10 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iMaphu 11 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laseFreyistata**

iMaphu 12 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iMaphu 13 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iMaphu 14 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iMaphu 15 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iMaphu 16 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laseRhawutini**

[Ukucandwa kwemida yePhondo laseRhawutini kwenziwa utshintsho nguMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

iMaphu 4 kwiSaziso 1490 sika-2008

Imbekiselo kwiMaphu 4 yathatyathelw' indawo sisiqendu 1(a) soMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

iMaphu 17 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 18 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 19 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 20 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 21 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laKwaZulu-Natal**

[Ukucandwa kwemida yePhondo laKwaZulu-Natal kwathatyathelw' indawo nguMthetho Weshumi Elinesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2007.]

iMaphu 22 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 23 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 24 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 25 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 26 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 27 yeSihlomelo 2 kwiSaziso sika-2005  
iMaphu 28 yeSihlomelo 2 kwiSaziso sika-2005  
iMaphu 29 yeSihlomelo 2 kwiSaziso sika-2005  
iMaphu 30 yeSihlomelo 2 kwiSaziso sika-2005  
iMaphu 31 yeSihlomelo 2 kwiSaziso sika-2005  
iMaphu 32 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laseLimpopo**

iMaphu 33 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 34 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 35 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 36 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 37 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laseMpumalanga**

iMaphu 38 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 39 yeSihlomelo 2 kwiSaziso 1998 sika-2005  
iMaphu 40 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laseMntla-Koloni**

- iMaphu 41 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 42 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 43 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 44 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 45 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laseMntla-Ntshona**

[Ukucandwa kwemida kwePhondo laseMntla-Ntshona kwenziwa utshintsho nguMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

iMaphu 5 kwiSaziso 1490 sika-2008

[Imbekiselo kwiMaphu 5 yathatyathelw' indawo sisiqendu 1(b) soMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

- iMaphu 46 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 47 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 48 yeSihlomelo 2 kwiSaziso 1998 sika-2005

### **IPhondo laseNtshona-Koloni**

- iMaphu 49 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 50 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 51 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 52 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 53 yeSihlomelo 2 kwiSaziso 1998 sika-2005
- iMaphu 54 yeSihlomelo 2 kwiSaziso 1998 sika-2005

## ISIHLOMELO 2

### IZIFUNGO NEZIBHAMBATHISO EZINYANISEKILEYO

[Isihlomo 2 senziwa utshintsho sisigendu 2 soMthetho Wokuqala Wokwenz' Utshintsho KuMgaqo-siseko ka-1997 (kushicilelo lwesiNgesi kuphela) saza sathatyathelw' indawo sisigendu 18 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

#### Isifungo okanye isibhambathiso esinyanisekileyo sikaMongameli noMongameli oIiBambela

1. UMongameli okanye uMongameli oIiBambela, ephambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, makafunge okanye abhambathise ngale ndlela ilandelayo: Phambi kwakhe wonk' ubani ohlanganisene apha, kwaye ndiluqonda ngokupheleleyo ubizo oluphakamileyo endilwamkelayo njengoMongameli/njengoMongameli oIiBambela weRiphabliki yoMzantsi-Afrika, mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphabliki yoMzantsi-Afrika, kwaye ndiza kuwuthobela, ndiwugcine, ndiwuthethelele kwaye ndiwulondolozelwe uMgaqo-siseko nawo wonke omnye umthetho weRiphabliki; kwaye ndithembisa ndinyanisekile ukuthi ndiya kusoloko—
  - ndikhuthaza konke okuya kuyiphumelelisa iRiphabliki, ndichase konke okuya kuyenzakalisa;
  - ndikhusela kwaye ndikhuthaza amalungelo abo bonke abantu baseMzantsi-Afrika;
  - ndiyenza imisebenzi yam ngawo onke amandla am neziphiwo zam ngokolwazi endinalo nangokobuchule endinabo kwaye ndinyaniseke koko ndikuxelelwa sisazela sam;
  - ndisenza ubulungisa kubo bonke abantu; kananjalo
  - ndizinikela ekusebenzeleni impilo-ntle yeRiphabliki nabo bonke abantu bayo.

(Xa kusisifungo: Thixo ndincede.)

#### Isifungo okanye isibhambathiso esinyanisekileyo sikaSekela-Mongameli

2. USEkela-Mongameli, ephambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, makafunge/abhambathise ngale ndlela ilandelayo:

Phambi kwakhe wonk' ubani ohlanganisene apha, kwaye ndilugqonda ngokupheleleyo ubizo oluphakamileyo endilwamkelayo njengoMongameli/njengoMongameli oliBambela weRiphabliki yoMzantsi-Afrika, mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphabliki yoMzantsi-Afrika, kwaye ndiza kuwuthobela, ndiwugcine, ndiwuthethelele kwaye ndiwulondolozela uMgaqo-siseko nawo wonke omnye umthetho weRiphabliki; kwaye ndithembisa ndinyanisekile ukuthi ndiya kusoloko—

- ndikhuthaza konke okuya kuyiphumelelisa iRiphabliki, ndichase konke okuya kuyenzakalisa;
- ndikhusela kwaye ndikhuthaza amalungelo abo bonke abantu baseMzantsi-Afrika;
- ndiyenza imisebenzi yam ngawo onke amandla am neziphiwo zam ngokolwazi endinalo nangokobuchule endinabo kwaye ndinyaniseke koko ndikuxelelwa sisazela sam;
- ndisenza ubulungisa kubo bonke abantu; kananjalo
- ndizinikela ekusebenzeleni impilo-ntle yeRiphabliki nabo bonke abantu bayo.

(Xa kusisifungo: Thixo ndincede.)

### **Isifungo okanye isibhambathiso esinyanisekileyo saBaphathiswa nooSekela-Mphathiswa**

3. UMphathiswa ngamnye noSekela-Mphathiswa ngamnye, ephambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, makafunge/abhambathise ngale ndlela ilandelayo:

Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphabliki yoMzantsi-Afrika kwaye ndiza kuwuthobela, ndiwuhlonele kwaye ndiwuthethelele uMgaqo-siseko nawo wonke omnye umthetho weRiphabliki; kwaye ndizimisela ukuba ndisiphathe isikhundla sam sokuba nguMphathiswa/nguSekela-Mphathiswa ngembeko nesidima; ndizimisela ukuba ndibe ngumluleki onyanisekileyo nothembekileyo, ndingawudandalazisi ngokuthe ngqo okanye ngokungathanga ngqo nawuphi na umcimbi oyimfihlo endiwuphathisiweyo; ndikwazimisela ukwenza imisebenzi yesikhundla sam ngesazela nangokusemandleni am.

(Xa kusisifungo: Thixo ndincede.)

## **Isifungo nesibhambathiso esinyanisekileyo samalungu eNdlu yoWiso-mthetho, nabathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke namalungu ezindlu zowiso-mthetho zamaphondo**

4. (1) Amalungu eNdlu yoWiso-mthetho, nabathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke namalungu ezindlu zowiso-mthetho zamaphondo, bephambi kweJaji eyiNtloko okanye ijaji echongwe yiJaji eyiNtloko, mabafunge okanye babhambathise ngale ndlela ilandelayo:  
Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphabliki yoMzantsi-Afrika kwaye ndiza kuwuthobela, ndiwuhlonele ndize ndiwuthethelele uMgaqo-siseko nawo wonke omnye umthetho weRiphabliki; kwaye ndithembisa ndinyanisekile ukuyenza imisebenzi yam njengelungu leNdlu yoWiso-mthetho/njengomthunywa osisigxina kwiBhunga lamaPhondo leZwelonke/njengelungu lendlu yowiso-mthetho yephondo ngokusemandleni am. (Xa kusisifungo: Thixo ndincele)
- (2) Abantu abavala isithuba kwiNdlu yoWiso-mthetho, kwiqiza elisisigxina leBhunga lamaPhondo leZwelonke, okanye kwindlu yowiso-mthetho yephondo banokufunga okanye benze isibhambathiso ngokwesiqendwana (1) phambi kwegosa elongamelayo leNdlu, leBhunga okanye lendlu yowiso-mthetho.

## **Isifungo okanye isibhambathiso esinyanisekileyo seeNkulumbuso, neeNkulumbuso ezingamaBambela, naBaphathiswa bamaphondo**

5. INkulumbuso okanye iNkulumbuso eliBambela yephondo, noMphathiswa ngamnye wephondo, ephambi kweJaji eyiNtloko okanye ijaji echongwe yiJaji eyiNtloko, makafunge/ abhambathise ngale ndlela ilandelayo:  
Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphabliki yoMzantsi-Afrika kwaye ndiza kuwuthobela, ndiwuhlonele, ndize ndiwuthethelele uMgaqo-siseko nawo wonke omnye umthetho weRiphabliki; kwaye ndizimisela ukuba kwisikhundla sam njengeNkulumbuso/njengeNkulumbuso eliBambela/ njengoMphathiswa wephondo laseC.D. ngembeko nesidima; ndizimisela ukuba ngumluleki onyanisekileyo nothembekileyo; ndizimisela ukuba ndingawudandalazisi ngokuthe ngqo okanye ngokungathanga ngqo nawuphi na umcimbi oyimfihlo endiphathiswe wona; nokuyenza imisebenzi yesikhundla sam ngokwesazela



nangokwamandla am.

(Xa kusisifungo: Thixo ndincede)

### Isifungo okanye isibhambathiso esinyanisekileyo sabachopheli-matyala

6. (1) Ijaji nganye okanye ijaji nganye ebambeleyo, iphambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, mayifunge okanye ibhambathise ngale ndlela ilandelayo:  
Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi, njengeJaji yeNkundla yoMgaqo-siseko/yeNkundla Ephakamileyo yeZibheni/yeNkundla Ephakamileyo/yeNkundla ye-E.F., ndiza kuthembeka kwiRiphabliki yoMzantsi-Afrika, ndiza kuwuthethelela kwaye ndiwukhusele uMgaqo-siseko kwakunye namalungelo oluntu akuwo, kwaye ndiza kwenza ubulungisa kubo bonke abantu ngokufanayo ndingenaloyiko, ndingakholisi mntu uthile okanye ndimone, ngokuvumelana noMgaqo-siseko nomthetho.  
(Xa kusisifungo: Thixo ndincede)
- (2) Umntu omiselwa kwisikhundla sokuba yiJaji eyiNtloko ongekabi yiyo ijaji ngexesha loko kumiselwa makafunge okanye abhambathise phambi kweSekela leJaji eyiNtloko, okanye xa kungenjalo, phambi kweyona jaji ilikhwahla elandelayo efumanekayo yeNkundla yoMgaqo-siseko.
- (3) Abachopheli-matyala, nabachopheli-matyala ababambeleyo, abangezizo iijaji, mabafunge/babhambathise ngokomthetho wepalamente wezwelonke.

# ISIHLOMELO 3

## IINKQUBO ZONYULO

[Sihlomelo 3 senziwa utshintsho sisigqendu 2 soMthetho Wesine Wokwenz' Utshintsho KuMgaqo-siseko ka-1999, nasisiqendu 19 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001, nasisiqendu 3 soMthetho Wethoba Wokwenz' Utshintsho KuMgaqo-siseko ka-2002, nasisiqendu 5 soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

### ICandelo A

#### Iinkqubo Zonyulo Zabantu Abanesikhundla NgokoMgaqo-siseko

#### Ukusebenza kwayo

1. Le Inkqubo echazwe kwesi Sihlomelo isebenza nanini na—
  - (a) xa iNdlu yoWiso-mthetho ihlangana ngenjongo yokunyula uMongameli, okanye uSihlalo weNdlu yoWiso-mthetho okanye uSekela-Sihlalo wayo;
  - (b) xa iBhunga lamaPhondo leZwelonke lihlngana ngenjongo yokunyula uSihlalo walo okanye uSekela-Sihlalo; okanye
  - (c) indlu yowiso-mthetho yephondo ihlangana ngenjongo yokunyula iNkulumbuso yephondo okanye uSihlalo okanye uSekela-Sihlalo wendlu yowiso-mthetho.

#### Ukukhethwa kwabatu

2. Umntu owongameleyo kwintlanganiso ekusebenza kuyo esi Sihlomelo makamemelele ukuba kukhethwe abagqatswa kuloo ntlanganiso.

#### Izinto ezifunekayo

3.
  - (1) Ukukhetha makwenziwe kwifomu efunwa yimigaqo ekhankanywe kwisiqendu 9.
  - (2) Ifomu ekukhethwa ngayo mayityikitywe—
    - (a) ngamalungu amabini eNdlu yoWiso-mthetho, ukuba kuza kunyulwa uMongameli okanye uSihlalo okanye uSekela-Sihlalo weNdlu;

- (b) egameni lamagqiza amabini amaphondo, ukuba kuza kunyulwa uSihlalo okanye uSekela-Sihlalo weBhunga lamaPhondo leZwelonke; okanye
  - (c) ngamalungu amabini eNdlu yowiso-mthetho yephondo echaphazelekayo, ukuba kunyulwa iNkulumbuso yephondo okanye uSihlalo okanye uSekela-Sihlalo wendlu yowiso-mthetho.
- (3) Umntu okhethiweyo makabonise ukukwamkela ukukhethwa kwakhe ngokutyikitya ifomu yokukhethwa okanye nayiphi na enye ifomu eqinisekisa ukuvuma kwakhe ngokubhala.

### **Ukubhengezwa kwamagama abagqatswa**

4. Kwintlanganiso ekusebenza kuyo esi Sihlomo, umntu owongamelayo makabhengeze amagama abantu abakhethwe ukuba babe ngabagqatswa, kodwa akavumelekanga ukuba avumele ingxoxo.

### **Umgqatswa omnye**

5. Ukuba mnye kuphela umgqatswa okhethiweyo, umntu owongamelayo makabhengeze loo mgqatswa njengonyuliweyo.

### **Inkqubo Yonyulo**

6. Ukuba kukhethwe abagqatswa abaliqela—
- (a) makuvotwe kwintlanganiso ngokuvota emfihlakalweni;
  - (b) ilungu ngalinye elikhoyo kwintlanganiso linokufaka ivoti ibe nye, okanye ukuba yintlanganiso yeBhunga lamaPhondo leZwelonke, iphondo ngalinye elimelweyo kwintlanganiso linokufaka ivoti ibe nye; kuze kuthi ke
  - (c) umntu owongamelayo abhengeze njengonyuliweyo umgqatswa ofumana uninzi lweevoti.

### **Inkqubo yokukhiqwa**

7. (1) Ukuba akukho mgqatswa ufumana uninzi lweevoti, umgqatswa ofumana elona nani liphantsi leevoti makakhiqwe kuze kuvotelwe kwakhona abagqatswa abaseleyo ngokwesiqendu 6. Mayiphindwe le nkqubo de umgqatswa afumane uninzi lweevoti.

- (2) Xa kusetyenziswa isiqendwana (1), ukuba abagqatswa ababini okanye abagaphezu koko uthi ngamnye kubo afumane elona nani liphantsi leevoti, makubekho olunye uvoto lwabo bagqatswa, luze luphindwe futhi-futhi kangangoko kuyimfuneko ukuze kuqondakale ukuba nguwuphi umgqatswa omakakhqiwe.

### Ezinye iintlanganiso

8. (1) Ukuba babini kuphela abagqatswa abakhethiweyo, okanye ukuba babini kuphela abagqatswa abaseleyo emva kokuba kusetyenziswe inkqubo yokukhiqwa, baza abo bagqatswa babini bafumane inani elilinganayo leevoti, makubekho enye intlanganiso zingaphelanga iintsuku ezisixhenxe, ngexesha eligqitywe ngumntu owongamelayo.
- (2) Ukuba kuthi kubekho enye intlanganiso ngokwesiqendwana (1), makusetyenziswe inkqubo exelwe kwesi Sihlomele kuloo ntlanganiso ngokungathi yintlanganiso yokuqala yonyulo.

### Imigaqo

9. (1) IJaji eyiNtloko mayenze imigaqo exela—
- (a) inkqubo emayilandelwe yeentlanganiso ekusebenza kuzo esi Sihlomele;
  - (b) imisebenzi yomntu owongamelayo kwintlanganiso, neyomntu oncedisa umntu owongamelayo;
  - (c) ifomu emakusetyenziswe yona ukukhetha;
  - (d) nendlela emaluhutywe ngayo uvoto.
- (2) Le migaqo mayenziwe yaziwe ngendlela egqitywe yiJaji eyiNtloko.

## **iCandelo B**

### **Indlela Emayisetyenziswe Yokugqiba Ngothabatho-nxaxheba Lwamaqela Kumagqiza Amaphondo AkwiBhunga lamaPhondo leZwelonke**

1. Ukuthi bangaphi abathunywa kwigqiza lephondo elikwiBhunga lamaPhondo leZwelonke elinelungelo lokuba nabo iqela, makugqitywe ngokuphinda-phinda kalishumi inani lezihlalo elinalo iqela kwindlu yowiso-mthetho yephondo, size isiphumo sahlulwe ngenani

lezihlalo kwindlu yowiso-mthetho, kongezwe isinye.

2. Ukuba xa kubalwa ngokwesiqendu 1 kubakho ukratya ongaginywayo ngabathunywa ababelwe kwiqela ngokwesiqendu 1, ukratya makakhuphisane nabanye ookratya abafana naye abakhoyo kwelinye iqela okanye kwamanye amaqela, baze abathunywa abangabiwanga kwiqela babelwe iqela okanye amaqela ngokolandelelwano loyena kratya uphezulu.
3. Ukuba ookratya abakhuphisanayo abaxelwe kwisiqendu 2 bayalingana, abathunywa abangabiwanga kwiqela mababelwe kwiqela okanye kumaqela abakwanaloo kratya, kulandelelaniswe ukusuka kwelona nani liphezulu ukuya kwelona nani liphantsi leevoti libhaliweyo laloo maqela kunyulo oludlulileyo lwendlu yowiso-mthetho yephondo echaphazelekayo.

[Isiqendu 3 songezwa sisiqendu 2 soMthetho Wesine Wokwenz' Utshintsho KuMgaqo-siseko ka-1999, saza sathatyathelw' indawo sisiqendu 3 soMthetho Wethoba Wokwenz' Utshintsho KuMgaqo-siseko ka-2002, nasisiqendu 5(a) soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

4. Ukuba aliqela amaqela anokratya ofanayo awathi aba nenani elilinganayo leevoti kunyulo oludlulileyo lwendlu yowiso-mthetho echaphazelekayo, indlu yowiso-mthetho echaphazelekayo mayibabele abathunywa abangabiwanga kwiqela elinokratya okwangako ngendlela evisisana nentando yesininzi.

[Isiqendu 4 songezwa sisiqendu 5(b) soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

## ISIHLOMLO 4

### IMIMANDLA YENTSEBENZO EZINEGUNYA KUYO ZONKE IZINDLU ZOWISO-MTHETHO – EYEZWELONKE NEZAMAPHONDO

#### iCandelo A

- Ukulawulwa kwamahlathi emvelo
- Ulimo
- Izikhululo zeenqwelo-moya ezingezizo ezamazwe ngamazwe nezelizwe
- Ukulawulwa kwezilwanyana nezifo zazo
- Iikhasino, imidyarho, ukungcakaza, ngaphandle kweelothari neetafilana zemidlalo
- Ukukhuselwa kwabathengi
- Imicimbi yenkcubeko
- Ukulawulwa kweentlekele
- Imfundo kuwo onke amanqanaba, ngaphandle kwemfundo yamaziko emfundo ephakamileyo
- Okusingqongileyo
- Iinkonzo zempilo
- Izindlu
- Umthetho wemveli nomthetho wesintu, ngokulawulwa siSahluko 12 soMgaqo-siseko
- Ukukhuthazwa kwemizi-mveliso
- Inkqubo yeelwimi nokulawulwa kweelwimi ezisemthethweni ukuya kuthi xhaxhe kumda ovunyelwa kokutshiwo sisiqendu 6 soMgaqo-siseko wokuba izindlu zowiso-mthetho zamaphondo ziwise umthetho ngale mibandela
- Iinkonzo zamajelo eendaba ezilawulwa ngqo okanye ezinikwa ngoorhulumente bamaphondo, ngokulawulwa sisiqendu 192
- Ukongiswa kwendalo, ngaphandle kwemiyezo yelizwe, imiyezo yelizwe yemithi neentyatyambo, nobuncwane bezinto zaselwandle
- Amapolisa, ukuya kuthi xhaxhe kumda ovunyelwa kokutshiwo siSahluko 11 soMgaqo-siseko kwinto yokuba izindlu zowiso-mthetho zamaphondo zinokuwis' umthetho ngamapolisa
- Ukulawulwa kongcoliso

- Ukuphuhliswa kwabemi
- Imirhumo yokudluliselwa kobunini bemihlaba nemizi
- Amashishini karhulumente wephondo ngokumayela nemimandla yentsebenzo ekwesi Sihlomelo nakwiSihlomelo 5
- zithuthi zikawonkewonke
- Imisebenzi eyenziwa ngurhulumente ngokumayela neemfuno zamasebe oorhulumente bamaphondo ekufezeni kwabo iimbopheleleko zokulawula imisebenzi eyabelwe wona ngokukhethekileyo ngokoMgaqo-siseko okanye omnye umthetho
- Ukucwangciswa nokuphuhliswa kweengingqi
- Ukulawulwa kwezithuthi ezindleleni
- Ukulondolozwa komhlaba
- Ukhenketho
- Urhwebo
- Ubunkokeli bomthonyama, ngokulawulwa siSahluko 12 soMgaqo-siseko
- Ukuphuhliswa kweedolophu namaphandle
- Ukukhutshelwa kweenqwelo-mafutha amaphepha-mvume
- Iinkonzo zentlalo-ntle

## **iCandelo B**

Nale micimbi ilandelayo yoorhulumente basekuhlaleni ukuya kuthi xhaxhe koko kuchazwe kwisiqendu 155(6)(a) nese-(7):

- Ungcoliso lomoya
- Imimiselo yaxa kusakhiwa
- Izinto zokunonophelwa kwabantwana
- Umbane negesi
- Iinkonzo zokucinywa komlilo
- Ukhenketho lwasekuhlaleni
- Izikhululo zeenqwelo-moya zoomasipala
- Ukucwangciswa koomasipala
- Iinkonzo zempilo zoomasipala
- Izithuthi zikawonkewonke zoomasipala
- Imisebenzi eyenziwa ngurhulumente woomasipala ngokumayela neemfuno zoomasipala ekufezeni kwabo iimbopheleleko zabo zokulawula imisebenzi eyabelwe bona ngokukhethe-

- ekileyo ngokwalo Mgaqo-siseko okanye omnye umthetho
- Imidlalo yokungcakaza, izikhithshana, iintango eziselunxwemeni zokukhusela iziko-nqanawa, amangqameko namazibuko-nqanawa, kungaqukwanga ukulawulwa ukuhamba kweenqanawa zamazwe ngamazwe nezelizwe nemicimbi ehlobene noko
- Ukulawulwa kwezikhukhula kwimimandla enezakhiwo
- Imimiselo yorhwebo
- Amanzi neenkonzelo zogutyulo eziphelela kwiinkqubo zokunika amanzi anokuselwa namanzi angcolileyo asezindlwini nobuxhakaxhaka bokugutyulwa kwelindle



## **ISIHLOMELO 5**

### **IMIMANDLA YENTSEBENZO EKUZIZINDLU ZOWISO-MTHETHO ZAMAPHONDO KUPHELA EZINEGUNYA KUYO**

#### **iCandelo A**

- lindawo zokuxhelela
- linkonzo zeenqwelo zezigulana
- Oovimba abangengabo oovimba belizwe
- Amathala eencwadi angengawo amathala eencwadi elizwe
- Amaphepha-mvume eevenkile zotywala
- Iimuziyam ezingezizo iimuziyam zelizwe
- Izicwangciso zephondo
- Imicimbi yenkcubeko yephondo
- Iindawo nezinto zokuzihlaziya kwiphondo
- Iimidlalo kwiphondo
- Iindlela nezithuthi kwiphondo
- linkonzo zonyango lwezilwanyana, kungaqukwanga ukulawulwa kwalo msebenzi ufundelweyo

#### **iCandelo B**

Nale micimbi yoorhulumente basekuhlaleni ilandelayo, ukuya kuthi xhaxhe kumda ochazwe kwisiqendu 156(6)(a) nese-(7):

- libhitshi neendawo zokuzonwabisa
- Izibhengezo ezibhaliweyo nokunanyathiselwa kwezibhengezo kwiindawo zikawonkewonke
- Imimandla yamadlaka, imizi yabangcwabi nokutshiswa kwezidumbu
- Ukucoca
- Ukulawulwa kwezinto ezicaphukisa uluntu
- Ukulawulwa kwamashishini athengisela uluntu utywala
- Iindawo zokugcinwa, nokunonophelwa nokungcwatywa kwezilwanyana
- Ukubiya

- ukukhutshelwa kwezinja amaphepha-mvume
- ukukhutshelwa amaphepha-mvume kwamashishini athengisela uluntu ukutya nokulawulwa kwawo
- izinto ezenz' ubomi bube lula zasekuhlaleni
- iindawo zemidlalo zasekuhlaleni
- iindawo zemidlalo zasekuhlaleni
- iimarike
- iindawo zokuxhelela zikamasipala
- imiyezo kamasipala nokuzihlaziya
- iindlela zikamasipala
- iingxolo
- iindawo zokugcina izilwanyana ezithinjweyo
- iindawo zikawonkewonke
- ukuthuthwa kwenkunkuma, iindawo zokulahlela inkunkuma, nokulahlwa kwenkunkuma
- ukurhweba ezitratweni
- ukukhanya ezitratweni
- izithuthi neendawo zokupaka

# ISIHLOMELI 6

## AMALUNGISELELO EXESHA ELIPHAKATHI

[Isihloveli 6 senziwa utshintsho sisiqendu 6 soMthetho Wokuqala Wokwenz' Utshintsho KuMgaqo-siseko ka-1997, nasisiqendu 5 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998, nasisiqendu 20 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

### Ukuchazwa kwamagama

1. Kwesi Sihloveli, ngaphandle kokuba okanye okubhaliweyo kuso kubonisa ngenye indlela—  
“**iphandle**” yinxalenye yeRiphabliki eyayisithi, ngaphambi kokuba uqalise ukusebenza uMgaqo-siseko wangaphambili, ithathwe ngokomthetho wepalamente woMzantsi-Afrika njengelizwe elizimele geqe okanye elizilawulayo;  
“**uMgaqo-siseko omtsha**” nguMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996;  
“**imithetho yepalamente yenkqubo yakudala**” yimithetho yepalamente eyawiswa ngaphambi kokuba uqalise ukusebenza uMgaqo-siseko wangaphambili;  
“**uMgaqo-siseko wangaphambili**” nguMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1993 (uMthetho 200 ka-1993);

### Ukuqhutyelwa phambili komthetho okhoyo

2. (1) Wonke umthetho owawusebenza xa uMgaqo-siseko omtsha uqalisa ukusebenza uyaqhubeka usebenza, ngokulawulwa—
  - (a) lulo naluphi na utshintsho okanye ukutshitshiswa;
  - (b) nakuvisisana kwawo noMgaqo-siseko omtsha.
- (2) Imithetho yepalamente yenkqubo endala eqhubeka isebenza ngokwesiqendwana (1) —
  - (a) ayisebenzi ngokuphangaleleyo, ngokommandla okanye ngezinye iindlela, okungaphezu kokuphangalala eyayinako ngaphambi kokuba uqalise ukusebenza uMgaqo-siseko wangaphambili, ngaphandle kokuba yathi kamva yenziwa utshintsho ukuze ibe nokusebenza okuphangaleleyo kunangaphambili; kwaye

- (b) iqhubeka ilawulwa ngamagunya eyayilawulwa ngawo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, kodwa ke ngokulawulwa nguMgaqo-siseko omtsha.

### Ukuchazwa kwentsingiselo yemithetho yepalamente ekhoyo

3. (1) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, nakuwuphi na umthetho wepalamente owawukho xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, kuthethwa—
- (a) ngeRiphabliki yoMzantsi-Afrika okanye iphandle (ngaphandle kwaxa kuthethwa ngommandla), mawuthathwe njengobhekisela kwiRiphabliki yoMzantsi-Afrika phantsi koMgaqo-siseko omtsha;
- (b) ngePalamente, ngeNdlu yoWiso-mthetho okanye ngeNdlu yeeNgwevu, mawuthathwe njengobhekisela kwiPalamente, kwiNdlu yoWiso-mthetho okanye kwiBhunga lamaPhondo leZwelonke phantsi koMgaqo-siseko omtsha;
- (c) kuMongameli, ngoSekela-Mongameli, ngoMphathiswa, ngoSekela-Mphathiswa, okanye iKhabhinethi, mawuthathwe njengobhekisela kuMongameli, kuSekela-Mongameli, kuMphathiswa, kuSekela-Mphathiswa okanye kwiKhabhinethi phantsi koMgaqo-siseko omtsha, ngokulawulwa sisiqendu 9 sesi Sihlomo;
- (d) ngoMongameli weNdlu yeeNgwevu, mawuthathwe njengobhekisela kuSihlalo weBhunga lamaPhondo leZwelonke;
- (e) kwindlu yowiso-mthetho yephondo, kwiNkulumbuso, kuBaphathiswa bephondo okanye kuMphathiswa wephondo, mawuthathwe njengobhekisela kwindlu yowiso-mthetho yephondo, kwiNkulumbuso, kuBaphathiswa bephondo okanye kuMphathiswa wephondo phantsi koMgaqo-siseko omtsha, ngokulawulwa sisiqendu 12 sesi Sihlomo; okanye
- (f) kulwimi olusemthethweni okanye kwiilwimi ezisemthethweni, mawuthathwe njengobhekisela kulo naluphi na kwiilwimi ezisemthethweni phantsi koMgaqo-siseko omtsha.
- (2) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, kuyo nayiphi na imithetho yepalamente eseleyo yenkqubo endala, kuthethwa—

- (a) ngePalamente, ngeNdlu yePalamente okanye ngendibano yowiso-mthetho okanye ngequmrhu leRiphabliki okanye lephandle, mawuthathwe njengokubhekisela–
  - (i) kwiPalamente phantsi koMgaqo-siseko omtsha, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili, okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wezwelonke; okanye
  - (ii) kwindlu yowiso-mthetho yephondo, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wephondo; okanye
- (b) ngoMongameli-Mbuso, ngeNkulu-Baphathiswa, ngoMlawuli okanye esinye isikhulu esiyintloko saseburhulumenteni, ngeKhabhinethi, ngeQumrhu laBaphathiswa okanye ngequmrhu loburhulumente leRiphabliki, okanye ngephandle, mawuthathwe njengobhekisela–
  - (i) kuMongameli phantsi koMgaqo-siseko omtsha, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wezwelonke; okanye
  - (ii) kwiNkulumbuso yephondo phantsi koMgaqo-siseko omtsha, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili, okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wephondo.

## INdlu yoWiso-mthetho

4. (1) Nabani na owayelilungu leNdlu yoWiso-mthetho okanye owayenesikhundla kuyo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uba lilungu leNdlu yoWiso-mthetho okanye uba nesikhundla kuyo phantsi koMgaqo-siseko omtsha, kwaye uba nesikhundla njengelungu okanye njengomntu onesikhundla ngokoMgaqo-siseko omtsha.
- (2) INdlu yoWiso-mthetho njengoko yakhiwe ngokwesiqendwana (1) mayithathwe njengenylwe phantsi koMgaqo-siseko omtsha ixesha eliphela ngomhla wama-30 kuEpreli 1999.

- (3) INdlu yoWiso-mthetho inamalungu angama-400 kulo lonke ixesha layo eliphela ngomhla wama-30 kuEpreli 1999, ngokulawulwa sisiqendu 49(4) soMgaqo-siseko omtsha.
- (4) Imigaqo nemiyalelo yeNdlu yoWiso-mthetho esebenzayo xa uMgaqo-siseko omtsha uqalisa ukusebenza, iyaqhubeka isebenza, ngokulawulwa lulo naluphi na utshintsho olunokwenziwa okanye utshitshiso.

### **Imisebenzi engagqitywanga ephambi kwePalamente**

5. (1) Nayiphi na imisebenzi engagqitywanga ephambi kweNdlu yoWiso-mthetho xa uMgaqo-siseko omtsha uqalisa ukusebenza makuqhutyekwe nayo ngokoMgaqo-siseko omtsha.
- (2) Nayiphi na imisebenzi engagqitywanga ephambi kweNdlu yeeNgwevu xa uMgaqo-siseko omtsha uqalisa ukusebenza mayibhekiswe kwiBhunga lamaPhondo leZwelonke, lize iBhunga liqhubeke naloo misebenzi ngokoMgaqo-siseko omtsha.

### **Unyulo kwiNdlu yoWiso-mthetho**

6. (1) Akukho lunyulo lweNdlu yoWiso-mthetho omalunqutywe ngaphambi komhla wama-30 kuEpreli 1999 ngaphandle kokuba iNdlu ichithiwe ngokwesiqendu 50(2) emva kwesindululo sokungamthemi uMongameli ngokwesiqendu 102(2) soMgaqo-siseko omtsha.
- (2) Ukusebenza kwesiqendu 50(1) soMgaqo-siseko omtsha kuxhonyiwe kude kube ngumhla wama-30 kuEpreli 1999.
- (3) Nangona watshitshiswayo uMgaqo-siseko wangaphambili, iSihlomo 2 saloo Mgaqo-siseko esithe senziwa utshintsho siSongezo sesi Sihlomo, siyasebenza—
  - (a) kunyulo lokuqala lweNdlu yoWiso-mthetho phambi koMgaqo-siseko omtsha;
  - (b) ekulahlekelweni bubulungu beNdlu kwiimeko ezingezizo ekuthethwe ngazo kwisiqendu 47(3) soMgaqo-siseko omtsha;
  - (c) nasekuvalweni kwezithuba kwiNdlu, nasekuxabangelweni, ekuqwalaselweni ngokutsha, nasekusetyenzisweni koluhlu lwamaqela okuvalwa kwezithuba, de kube lunyulo lwesibini lweNdlu phantsi koMgaqo-siseko omtsha.
- (4) Ukusebenza kwesiqendu 47(4) soMgaqo-siseko omtsha kuyaxhonywa kude kube lunyulo lwesibini lweNdlu yoWiso-mthetho phantsi koMgaqo-siseko omtsha.

**IBhunga lamaPhondo leZwelonke**

7. (1) Kwixesha eliphela ngaphambili nje kokuba kube kukuhlala kokuqala kwendlu yowiso-mthetho yephondo kwasemva konyulo lwayo lokuqala phantsi koMgaqo-siseko omtsha—
- (a) ubungakanani bokumelwa kweqela kwigqiza lephondo elikwiBhunga lamaPhondo leZwelonke mabulingane nobungakani ekwathi kubo amalungu endlu yeengwevu ali-10 ephondo akhethwa ngokwesiqendu 48 soMgaqo-siseko wangaphambili; kananjalo
- (b) ukwabelwa kwabathunywa abasisigxina nabathunywa nabathunywa abakhethekileyo kumaqela amelweyo kwindlu yowiso-mthetho yephondo, kungale ndlela ilandelayo:

<b>IPHONDO</b>	<b>ABATHUNYWA ABASISIGXINA</b>	<b>ABATHUNYWA ABAKHETHEKILEYO</b>
1. iMpuma-Koloni	ANC 5 NP 1	ANC 4
2. iFreyistata	ANC 4 FF1 NP 1	ANC 4
3. iRhawutini	ANC 3 DP 1 FF 1 NP 1	ANC 3  NP 1
4. iKwaZulu-Natal	ANC 1 DP 1 IFP 3 NP 1	ANC 2  IFP 2
5. iMpumalanga	ANC 4 FF 1 NP 1	ANC 4

<b>IPHONDO</b>	<b>ABATHUNYWA ABASISIGXINA</b>	<b>ABATHUNYWA ABAKHETHEKILEYO</b>
6. uMntla-Koloni	ANC 3 FF 1 NP 2	ANC 2  NP 2
7. iPhondo loMntla	ANC 6	ANC 4
8. uMntla-Ntshona	ANC 4 FF 1 NP 1	ANC 4
9. iNtshona-Koloni	ANC 2 DP 1 NP 3	ANC 1  NP 3

- (2) Iqela elimelweyo kwindlu yowiso-mthetho yephondo–
  - (a) malikhethe abathunywa balo abasisigxina libakhetha kubantu ababengamalungu eNdlu yeeNgwevu xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, nabafumanekayo ukuba bakhonze njengabathunywa abasisigxina; kananjalo
  - (b) linokukhetha abanye abantu ukuba babe ngabathunywa abasisigxina ukuba abekho abafumanekayo kumalungu alo akuqala eNdlu yeeNgwevu okanye ukuba alanelanga inani lawo elifumanekayo.
- (3) Indlu yowiso-mthetho yephondo mayimisele abathunywa bayo abasisigxina ngokuvumelana nokhetho lwamaqela.
- (4) Isiqendwana (2) nese-(3) zisebenza kuphela kumiselo lokuqala lwabathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke.
- (5) Isiqendu 62(1) soMgaqo-siseko omtsha asisebenzi ekukhethweni nasekumiselweni kwababengamalungu eNdlu yeeNgwevu bemiselwa njengabathunywa abasisigxina ngokwesi siqendu.
- (6) Imigaqo nemiyalelo yeNdlu yeeNgwevu esebenzayo xa uMgaqo-siseko omtsha uqalisa ukusebenza, mayisetyenziswe mayela nemisebenzi yeBhunga leZwelonke kangangoko enokuthi isetyenziswe, ngokulawulwa lulo naluphi na utshintsho olwenziweyo okanye ukutshitshiswa.



### Ababengamalungu eNdlu yeeNgwevu

8. (1) Umntu owayelilungu leNdlu yeeNgwevu ongamiselwanga njengomthunywa osisigxina kwiBhunga lamaPhondo leZwelonke unelungelo lokuba lilungu elipheleleyo elivotayo lendlu yowiso-mthetho yephondo awakhethwa kulo loo mntu njengelungu leNdlu yeeNgwevu ngokwesiqendu 48 soMgaqo-siseko wangaphambili.
- (2) Ukuba umntu owayelilungu leNdlu yeeNgwevu ukhetha ukungabi lilungu lendlu yowiso-mthetho yephondo, loo mntu uthathwa njengoziyekeleyo ukuba lilungu leNdlu yeeNgwevu ngemini engaphambi kokuba uMgaqo-siseko omtsha uqalise ukusebenza.
- (3) Umvuzo, iimalana ezisecaleni namaqithiqithi omntu owayelilungu leNdlu yeeNgwevu omiselwe njengomthunywa osisigxina okanye njengelungu lendlu yowiso-mthetho yephondo, awunakuphungulwa umvuzo wakhe, neemalana ezisecaleni namaqithiqithi ngenxa nje yokuba emiselwe njengomthunywa osisigxina okanye njengelungu lendlu yowiso-mthetho yephondo.

### Urhulumente wezwelonke

9. (1) Nabani na owayenguMongameli, enguSekela-Mongameli okulawulo, enguMphathiswa okanye enguSekela-Mphathiswa phantsi koMgaqo-siseko wangaphambili xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uyaqhubeka ekweso sikhundla ngokoMgaqo-siseko omtsha, kodwa ngokulawulwa sisiqendwana (2).
- (2) Kude kube ngumhla wama-30 kuEpreli 1999, isiqendu 84, 89, 90, 91, 93 nesama-96 soMgaqo-siseko omtsha masithathwe njengesifundeka ngendlela ekuchazwe ngayo kwiSongezelelo B sesi Sihlomelo.
- (3) Isiqendwana (2) asimthinteli uMphathiswa owayelilungu leNdlu yeeNgwevu xa uMgaqo-siseko omtsha wawuqalisa ukusebenza ukuba aqhubeka enguMphathiswa ekuthethwe ngaye kwisiqendu 91(1)(a) soMgaqo-siseko omtsha, ngendlela esi siqendu esifundeka ngayo kwiSongezelelo B.

### Izindlu zowiso-mthetho zamaphondo

10. (1) Nabani na owayelilungu okanye enesikhundla kwindlu yowiso-mthetho yephondo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uba lilungu okanye uba nesikhundla kwindlu yowiso-mthetho yelo phondo phantsi koMgaqo-siseko omtsha, kwaye uba sesikhundleni njengelungu okanye njengomntu onesikhundla ngokoMgaqo-siseko omtsha nangokomgaqo-siseko wephondo onokuthi uqulunqwe.
- (2) Indlu yowiso-mthetho yephondo eyakhiwe ngokwesiqendwana (1) mayithathwe njengenyulwe phantsi koMgaqo-siseko omtsha kude kube lixesha eliphela ngomhla wama-30 kuEpreli 1999.
- (3) Kude kube lixesha lokuphela kwayo eliphela ngomhla wama-30 kuEpreli 1999, nangokulawulwa sisiqendu 108(4), indlu yowiso-mthetho yephondo inamalungu alinani eliqingqelwe loo dnu yowiso-mthetho phantsi koMgaqo-siseko wangaphambili kunye nenani labantu ababengamalungu eNdlu yeeNgwevu abathi baba ngamalungu endlu yowiso-mthetho ngokwesiqendu 8 sesi Sihlomelo.
- (4) Imigaqo nemiyalelo yendlu yowiso-mthetho yephondo eyayisebenza xa uMgaqo-siseko omtsha wawuqalisa ukusebenza iyaqhubeka isebenza, ngokulawulwa lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa.

### Unyulo lwezindlu zowiso-mthetho zamaphondo

11. (1) Nangona watshitshiswayo uMgaqo-siseko wangaphambili, iSihlomelo 2 saloo Mgaqo-siseko, njengoko senziwa utshintsho siSongezelelo A sesi Sihlomelo, siyasebenza—
  - (a) kunyulo lokuqala lwendlu yowiso-mthetho yephondo phantsi koMgaqo-siseko omtsha;
  - (b) ekulahlekelweni bubulungu bendlu yowiso-mthetho kwiimeko ezingezizo ezo kuthethwe ngazo kwisiqendu 106(3) soMgaqo-siseko omtsha;
  - (c) nasekuvalweni kwezithuba kwindlu yowiso-mthetho, nasekuxabangelweni, ekuqwalaselweni ngokutsha nasekusetyenzisweni koluhlu lwamaqela okuvala izithuba, kude kube kunyulo lwesibini lwendlu yowiso-mthetho phantsi koMgaqo-siseko omtsha.

- (2) Ukusebenza kwesiqendu 106(4) soMgaqo-siseko omtsha kuyaxhonywa ngokumayela nendlu yowiso-mthetho yephondo kude kube lunyulo lwesibini lwendlu yowiso-mthetho phantsi koMgaqo-siseko omtsha.

### Oorhulumente bamaphondo

12. (1) Nabani na owayeyiNkulumbuso okanye enguMphathiswa wephondo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uyaqhubeka ekwesoxikhundla ngokoMgaqo-siseko omtsha nangokomgaqo-siseko wephondo onokuthi uqulunqwe, kodwa ngokulawulwa sisiqendwana (2).
- (2) De ibe iNkulumbuso enyulwe emva konyulo lokuqala lwendlu yowiso-mthetho yephondo phantsi koMgaqo-siseko omtsha ithabatha isikhundla sayo, okanye de libe iphondo liqulunqa umgaqo walo, kuxhomekeke ekubeni kokuphi okwenzeka kuqala, isiqendu 132 nese-136 soMgaqo-siseko omtsha masithathwe njengesifundeka ngendlela echazwe kwiSongezelelo C sesi Sihlomele.

### Imigaqo-siseko yamaphondo

13. Umgaqo-siseko wephondo ophunyezwe ngaphambi kokuba uMgaqo-siseko omtsha uqalise ukusebenza mawuvisisane nesiqendu 143 soMgaqo-siseko omtsha.

### Ukwabelwa kwemithetho yepalamente kumaphondo

14. (1) Umthetho wepalamente omayela nomcimbi owela kummandla wentsebenzo odweliswe kwiSihlomele 4 okanye 5 soMgaqo-siseko omtsha nekwathi, xa uMgaqo-siseko omtsha uqalisa ukusebenza, wabe ulawulwa ligunya elingaphakathi kurhulumente wezwelonke, unokwabelwa nguMongameli, ngokwenza isihlokomiso, ewabela kwigunya elingaphakathi kurhulumente wephondo elichongwe ngaBaphathiswa bephondo.
- (2) Ngokwemfuneko ekhoyo ukuze ukwabelwa komthetho wepalamente ngokwesiqendwana (1) kwenziwe ngempumelelo, uMongameli, ngokwenza isihlokomiso—
- (a) usenokwenz' utshintsho kumthetho wepalamente ngenjongo yokulawula ukuchazwa kwentsingiselo yawo okanye ukusetyenziswa kwawo;

- (b) xa ukwabelwa kungasebenzi kuwo wonke umthetho wepalamente, usenokuwutshitshisa aze awuqale ngokutsha, unotshintsho olwenziweyo okanye ungenalo ekuthethwe ngalo kwisiqendu (a), ezo nxalenye ekusebenza kuzo ukwabelwa okanye ngokobungakanani bokusebenza kolwabelo kuwo; okanye
  - (c) usenokuwulawula nawuphi na omnye umcimbi oyimfuneko ngenxa yokwabelwa, kuquka nokufuduswa kwabasebenzi, okanye ukufuduswa kwempahla, amatyala ekungenwe kuwo, amalungelo neembopheleleko, zisiya okanye zisuka kurhulumente wezwelonke okanye kowephondo okanye kwisebe likarhulumente, kwiziko lolawulo, kwinkonzo yokhuselo okanye elinye iziko.
- (3) (a) Ikopi yesihlokomiso ngasinye esikhutshwe ngokwesiqendwana (1) okanye (2) mayisiwe kwiNdlu yoWiso-mthetho nakwiBhunga lamaPhondo leZwelonke zingaphelanga iintsuku ezili-10 sipapashiwe isihlokomiso.
- (b) Ukuba zombini iNdlu yoWiso-mthetho neBhunga leZwelonke zithi ngokuthath' isigqibo zisichithe isihlokomiso okanye nayiphi na inxalenye yaso, isihlokomiso eso okanye inxalenye yaso iyaphelelwa, kodwa ibe ingachaphazeli—
- (i) ukubhadla kwento eyenziwe ngokwesihlokomiso eso okanye ngokwenxalenye yaso ngaphambi kokuba siphelwe; okanye
  - (ii) ilungelo elizuziweyo okanye iimbopheleleko okanye ityala ekufuneka lithwalwe ngaphambi kokuba siphelwe.
- (4) Xa umthetho wepalamente usabelwa ngokwesiqendwana (1), nanini na xa kumthetho wepalamente kubhekiselwa kwigunya elilawulayo, mawuthathwe njengobhekisela kwigunya owabelwe kulo.
- (5) Nakuphi na ukwabelwa komthetho wepalamente ngokwesiqendu 235(8) soMgaqo-siseko wangaphambili, kuquka naluphi na utshintsho olwenziweyo okanye ukutshitshiswa nokuqulunqwa ngokutsha komthetho wepalamente, naso nasiphi na esinye isenzo esithathwe ngokwegunya lesi siqendu, makuthathwe njengokwenziwe ngokwegunya lesi siqendu.

## Imithetho yepalamente ekhoyo engaphaya kwegunya lePalamente lokuwis' imithetho

15. (1) Igunya elingaphakathi kurhulumente wezwelonke elilawula nawuphi na umthetho wepalamente ongaphaya kwegunya lepalamente lokuwis' imithetho xa uMgaqo-siseko omtsha uqalisa ukusebenza, liqhubeka linalo igunya lokuyilawula loo mithetho yepalamente de yabelwe kwigunya elingaphakathi kurhulumente wephondo ngokwesiqendu 14 sesi Sihlomele.
- (2) Isiqendwana (1) siphelwa emva kweminyaka emibini uqalisile ukusebenza uMgaqo-siseko omtsha.

## linkundla

16. (1) Zonke iinkundla, kuquka neenkundla zeenkokeli zomthonyama, ezazikho xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, ziyaqhubeka zisebenza, zisebenzisa negunya lazo ngokomthetho wepalamente osebenzayo kuzo, kwaye nabani na okwisikhundla sokuba ngumchopheli-matyala uyaqhubeka ekweso sikhundla ngokomthetho wepalamente osebenza ngokweso sikhundla, ngokulawulwa—
- (a) lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa kwaloo mthetho wepalamente;
- (b) nakukuvisisana kwawo noMgaqo-siseko omtsha.
- (2) (a) INkundla yoMgaqo-siseko eyasekwa nguMgaqo-siseko wangaphambili iba yiNkundla yoMgaqo-siseko phantsi koMgaqo-siseko omtsha.
- (b) .....

[Isiqendwana (b) sacinywa sisiqendu 20(a) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

- (3) (a) ICandelo leZibheno leNkundla Ephakamileyo yoMzantsi-Afrika liba yiNkundla Ephakamileyo yeZibheno phantsi koMgaqo-siseko omtsha.
- (b) .....

[Isiqendwana (b) sacinywa sisiqendu 20(a) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

- (4) (a) ICandelo lephondo okanye lasekuhlaleni leNkundla Ephakamileyo yoMzantsi-Afrika okanye inkundla ephakamileyo yephandle okanye icandelo jikelele

- lenkundla enjalo liba yiNkundla Ephakamileyo phantsi koMgaqo-siseko omtsha, kungabi lutshintsho kummandla ophantsi kwayo, ngokulawulwa luhlehlengiso oluxelwe kwisiqendwana (6).
- (b) Nabani na okwisikhundla okanye othathwa njengokwisikhundla sokuba nguMongameli weeJaji, iSekela-Mongameli weeJaji okanye ijaji yenkundla ekuthethwe ngayo kwisiqendu (a) xa uMgaqo-siseko omtsha uqalisa ukusebenza, uba nguMongameli weeJaji, uSekela-Mongameli weeJaji okanye ijaji yaloo nkundla phantsi koMgaqo-siseko omtsha, ngokulawulwa luhlehlengiso oluxelwe kwisiqendwana (6).
- (5) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, kuwo nawuphi na umthetho wepalamente okanye inkqubo, kuthethwa—
- (a) ngeNkundla yoMgaqo-siseko phantsi koMgaqo-siseko wangaphambili, makuthathwe ngokuthi kuthethwa ngeNkundla yoMgaqo-siseko phantsi koMgaqo-siseko omtsha;
- (b) ngeCandelo leZibheni leNkundla Ephakamileyo yoMzantsi-Afrika, makuthathwe ngokuthi kuthethwa ngeNkundla Ephakamileyo yeZibheni; naxa kuthethwa
- (c) ngecandelo lephondo okanye lasekuhlaleni leNkundla Ephakamileyo yoMzantsi-Afrika okanye inkundla ephakamileyo yephandle okanye icandelo jikele laloo nkundla, makuthathwe ngokuthi kuthethwa ngeNkundla Ephakamileyo.
- (6) (a) Kamsinya kangangoko kunokwenzeka emva kokuba uMgaqo-siseko omtsha uqalisile ukusebenza, zonke iinkundla, kuquka nobume bazo, nendlela ezakhiwe ngayo, nokusebenza, negunya lazo, nayo yonke imithetho yepalamente echaphazelekayo, mazihlehlengiswe ngenjongo yokuba neenkundla ezifanelana neemfuneko zoMgaqo-siseko omtsha.
- (b) Ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa, emva kokubonisana neKomishoni yeeJaji, malilulawule uhlehlengiso ekuthethwa ngalo kwisiqendu (a).
- (7) (a) Nabani na okwisikhundla, xa uMthetho Wokwenz'Utshintsho KuMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-2001 uqalisa ukusebenza, ekwisikhundla sokuba-

- (i) nguMongameli weNkundla yoMgaqo-siseko, uba yiJaji eyiNtloko njengoko kuxelwe kwisiqendu 167(1) soMgaqo-siseko omtsha;
  - (ii) nguSekela-Mongameli weNkundla yoMgaqo-siseko, uba liSekela leJaji eyiNtloko njengoko kuxelwe kwisiqendu 167(1) soMgaqo-siseko omtsha;
  - (iii) yiJaji eyiNtloko, uba nguMongameli weNkundla Ephakamileyo yeZibheni njengoko kuxelwe kwisiqendu 168(1) soMgaqo-siseko omtsha; aze
  - (iv) oliSekela leNtloko yeeJaji abe nguSekela-Mongameli weNkundla Ephakamileyo yeZibheni njengoko kuxelwe kwisiqendu 168(1) soMgaqo-siseko omtsha.
- (b) Yonke imigaqo, imimiselo okanye okanye izalathiso ezenziwe nguMongameli weNkundla yoMgaqo-siseko okanye yiJaji eyiNtloko ebezisebenza ngaphambi nje kokuba kuqalise ukusebenza uMthetho Wokwenz' Utshintsho kuMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-2001, ziyaqhubeka zisebenza de zibe zitshintshisiwe okanye zenziwa utshintsho.
- (c) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, nakuwuphi na umthetho okanye kwinkqubo kuthethwa ngeJaji eyiNtloko okanye ngoMongameli weNkundla yoMgaqo-siseko, makuthathwe ngokuthi kuthethwa ngeJaji eyiNtloko njengoko kuxelwe kwisiqendu 167(1) soMgaqo-siseko omtsha.

[Isiqendwana (7) songezwa sisiqendu 20(b) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

## Amatyala abengekaqakunjelwa ephambi kweenkundla

17. Onke amatyala awayengekaqakunjelwa ephambi kweenkundla xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, makaqakunjelwe ngokungathi uMgaqo-siseko omtsha awuqulunqwanga, ngaphandle kokuba ukwenzizw kobulungisa kufunisa ngenye indlela.

## Igunya elitshutshisayo

18. (1) Isiqendu 108 soMgaqo-siseko wangaphambili siyaqhubeka sisebenza de uMthetho wePalamente ekuthethwe ngawo kwisiqendu 179 soMgaqo-siseko omtsha uqalise ukusebenza. Esi siqendwana asikuchaphazeli ukumiselwa koMlawuli Wotshutshiso weZwelonke ngokwisiqendu 179.

- (2) Umtshutshisi omkhulu osesikhundleni xa uMgaqo-siseko omtsha uqalisa ukusebenza uyaqhubeka esebenza ngokomthetho wepalamente osebenza kweso sikhundla, ngokulawulwa sisiqendwana (1).

### Izifungo nezibhambathiso

19. Umntu oqhubeka esesikhundleni ngokwesi Sihlomelo nothe wathath' isifungo sokungen' esikhundleni okanye wenza isibhambathiso esinyanisekileyo phantsi koMgaqo-siseko wangaphambili, akanyanzelekanga ukuba asiphinde isifungo sokungen' esikhundleni okanye isibhambathiso esinyanisekileyo phantsi koMgaqo-siseko omtsha.

### Amanye amaziko angokoMgaqo-siseko

20. (1) Kwesi siqendu elithi "iziko elingokoMgaqo-siseko" lithetha—  
 (a) uMkhuseli woLuntu;  
 (b) iKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika;

[Isiqendu (b) senziwa utshintsho sisiqendu 4 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

- (c) iKomishoni Yokulingana Ngokwesini;  
 (d) uMphicothi-zimali-Jikelele;  
 (e) iBhanki EnguVimba YoMzantsi-Afrika;  
 (f) iKomishoni yeeMali neeRhafu;  
 (g) iKomishoni yeeJaji; okanye  
 (h) iBhodi yeeLwimi yoMzantsi-Afrika.
- (2) Iziko elingokoMgaqo-siseko elisekwe ngokoMgaqo-siseko wangaphambili liyaqhubeka lisebenza ngokomthetho wepalamente osebenza kulo, kwaye nabani na okwisikhundla sokuba lilungu lekomishoni, ilungu lebhodi yeBhanki EnguVimba okanye leBhodi yeeLwimi yaseMzantsi-Afrika, uMkhuseli woLuntu okanye uMphicothi-zimali-Jikelele xa uMgaqo-siseko omtsha uqalisa ukusebenza, uyaqhubeka esesikhundleni ngokomthetho wepalamente osebenza kweso sikhundla, ngokulawulwa—  
 (a) lulo naluphi na utshintsho olunokuthi lwenziwe okanye ukutshitshiswa kwaloo mthetho wepalamente; nangokulawulwa  
 (b) kukuvisisana kwawo noMgaqo-siseko omtsha.



- (3) Isiqendu 199(1), 200(1), (3) nese-(5) ukuya kwese-(11) nesama-201 ukuya kwesama-206 soMgaqo-siseko wangaphambili ziyaqhubeka zisebenza zide zibe zitshitshisiwe ngumthetho wepalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha.
- (4) Amalungu eKomishoni yeeJaji ekuthethwe ngawo kwisiqendu 105(1)(h) soMgaqo-siseko wangaphambili ayayeka ukuba ngamalungu eKomishoni kusakumiselwa amalungu ekuthethwe ngawo kwisiqendu 178(1)(i) soMgaqo-siseko omtsha.
- (5) (a) IBhunga leVolkstaat elasekwa ngokoMgaqo-siseko wangaphambili liyaqhubeka lisebenza ngokomthetho wepalamente osebenza kulo kwaye nabani na osesikhundleni sokuba lilungu leBhunga xa uMgaqo-siseko uqalisa ukusebenza uyaqhubeka ekweso sikhundla ngokomthetho wepalamente osebenza kweso sikhundla, ngokulawulwa—
  - (i) lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa kwaloo mthetho wepalamente; nakukulawulwa
  - (ii) kukuvisisana kawo noMgaqo-siseko omtsha.
- (b) Isiqendu 184A nese-184B(1)(a),(b) no-(d) soMgaqo-siseko wangaphambili ziyaqhubeka zisebenza zide zibe zitshitshiswe nguMthetho wePalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha.

### **Ukuwiswa kwemithetho yepalamente efunwa nguMgaqo-siseko**

21. (1) Xa uMgaqo-siseko omtsha ufuna ukuba kuwiswe umthetho wepalamente wezwelonke okanye wephondo, loo mthetho wepalamente mawuwiswe ligunya elifanelekileyo kungadanga kube lixesha elide ukususela kumhla wokuqalisa kokusebenza koMgaqo-siseko omtsha.
- (2) Isiqendu 198(b) soMgaqo-siseko omtsha asinakunyanzeliswa de kuwiswe umthetho ekuthethwe ngawo kweso siqendu.
- (3) Isiqendu 199(3) soMgaqo-siseko omtsha asinakunyanzeliswa zingekapheli iinyanga ezintathu uwiswe umthetho wepalamente ekuthethwe ngawo kwesi siqendu.
- (4) Umthetho wepalamente wezwelonke ekucingwa ngawo kwisiqendu 217(3) soMgaqo-siseko omtsha mawumiswe ingekapheli iminyaka emithathu ukususela kumhla owaqalisa ngawo ukusebenza uMgaqo-siseko omtsha, kodwa ukungabikho kwalo mthetho wepalamente kweli thuba akukuthinteli ukuyenza isebenze inkqubo

ekuthethwe ngayo kwisiqendu 217(2).

- (5) De kube kuwiswe uMthetho wePalamente ekuthethwe ngawo kwisiqendu 65(2) soMgaqo-siseko omtsha, indlu yowiso-mthetho nganye yephondo inokuzenzela isigqibo ngenkqubo yayo ekuthi ngayo kuthiwe jize igunya kwigqiza layo lokuba livote egameni layo kwiBhunga lamaPhondo leZwelonke.
- (6) De ube uwiswe umthetho wepalamente ekuthethwe ngawo kwisiqendu 229(1)(b) soMgaqo-siseko omtsha, umasipala uqhubeka enalo igunya lokufuna irhafu nezinye iintlawulo awayenegunya lokuzifuna xa uMgaqo-siseko wawuqalisa ukusebenza.

### Ubunye besizwe noxolelwano

22. (1) Kungakhathaliseki ukuba zithini na ezinye iinxalenye zoMgaqo-siseko omtsha, kwaye nangona watshitshiswayo uMgaqo-siseko wangaphambili, konke okutshiwoyo okuphathelele kuxolelo okuqulethwe kuMgaqo-siseko wangaphambili phantsi komxholo othi “UBunye beSizwe noXolelwano” kuthathwa njengokuyinxalenye yoMgaqo-siseko omtsha ngokwenjongo yePromotion of National Unity and Reconciliation Act 34 ka-1995, eyathi yenziwa utshintsho, nangokwenjongo yokuba loo Mthetho uhlale usebenza.
- (2) Ngokwenjongo yokusebena kwisiqendwana (1), umhla othi “6 Disemba 1993”, apho ubonakala khona kuMgaqo-siseko wangaphambili phantsi komxholo othi “National Unity and Reconciliation”, mawufundeke ngokuthi “11 Meyi 1994”.

[Isiqendwana 2 songezwa sisiqendu 3 soMthetho Wokuqala Wokwenz’ Utshintsho KuMgaqo-siseko ka-1997.]

### UMqulu wamaLungelo

23. (1) Umthetho wepalamente wezwelonke ekucingwa ngawo kwisiqendu 9(4), 32(2) nesama-33(3) soMgaqo-siseko omtsha mawuwiswe ingaphelanga iminyaka emithathu ukususela kumhla owaqalisa ngawo ukusebenza uMgaqo-siseko omtsha.
- (2) De kube kuwiswe umthetho wepalamente ekucingwa ngawo kwisiqendu 32(2) nesama-33(3) soMgaqo-siseko omtsha—
  - (a) isiqendu 32(1) masithathwe njengesifundeke ngale ndlela:
 

“(1) Wonke umntu unelungelo lokufikelela kuyo yonke ingcombolo egcinwe ngurhulumente okanye ngamacandelo akhe kulo naliphi na inqwanzqwa

likarhulumente ukuba loo ngombolo ifunekela ukusetyenziswa okanye ukukhuselwa kwalo naliphi na kumalungelo akhe.”; kwaye

- (b) isiqendu 33(1) nese-(2) masithathwe njengesifundeka ngale ndlela:  
 ‘Wonke umntu unelungelo—  
 (a) lokusingathwa ngokusemthethweni komcimbi wakhe ofun’ isigqibo xa elinye lamalungelo akhe lichaphazeleka okanye lisongelwa;  
 (b) lokusingathwa ngenkqubo enobulungisa komcimbi wakhe ofun’ isigqibo xa elinye lamalungelo akhe okanye ulindelolwakhe olufanelekileyo luchaphazeleka okanye lusongelwa;  
 (c) lokunikwa izizathu ezibhaliweyo ngokusingathwa komcimbi wakhe ofun’ isigqibo ochaphazela elinye lamalungelo akhe, ngaphandle kokuba izizathu zeso sigqibo ziye zadandalaziswa esidlangaleni;  
 (d) nelokusingathwa komcimbi ofun’ isigqibo ngendlela ethethelekayo ngokumayela nezizathu ezinikiweyo xa elinye lamalungelo akhe lichaphazeleka okanye lisongelwa.”
- (3) Isiqendu 32(2) nesama-33(3) soMgaqo-siseko omtsha siyaphelelwa ukuba umthetho wepalamente ekucingwa ngawo kwezo ziqendu awuthi uwiswe kwisithuba seminyaka emithathu ukususela kumhla wokuqalisa koMgaqo-siseko omtsha ukusebenza.

### **Imisebenzi yolawulo karhulumente neenkondo zokhuseleko**

24. (1) Isiqendu 82(4)(b), 215, 218(1), 219(1), 224 ukuya kwesama-228, 236(1), (2), (3), (6), (7)(b) nesesi(8), 237(1) nese-(2)(a) nesama-239(4) nesesi-(5) soMgaqo-siseko wangaphambili ziyaqhubeka zisebenza ngokungathi uMgaqo-siseko wangaphambili awuzange utshitshiswe, ngokulawulwa—  
 (a) lulo naluphi na utshintsho olunokwenziwa kwezo ziqendu njengoko kuchazwe kwiSongezelelo D;  
 (b) lulo naluphi na olunye utshintsho okanye ukutshitshiswa kwezo ziqendu nguMthetho wePalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha; nangokulawulwa  
 (c) kukuvisisana kwazo noMgaqo-siseko omtsha.
- (2) IKomishoni yaBasebenzi bakaRhulumente neekomishoni zenkonzo yamaphondo ekuthethwe ngazo kwiSahluko 13 soMgaqo-siseko wangaphambili ziyaqhubeka

zisebenza ngokweso Sahluko nomthetho wePalamente osebenza kuzo ngokungathi eso Sahluko asizange sitshitshiswe, de ibe iKomishoni neekomishoni zenkonzo yamaphondo zitshitshiswe nguMthetho wePalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha.

- (3) Ukutshitshiswa koMgaqo-siseko wangaphambili akusichaphazeli nasiphi na isihlokomiso esikhutshwe ngokwesiqendu 237(3) soMgaqo-siseko wangaphambili, kwaye nasiphi na isihlokomiso esinjalo siqhubeka sisebenza, ngokulawulwa—
  - (a) lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa; nangokulawulwa
  - (b) kukuvisisana kwaso noMgaqo-siseko omtsha.

### Okunye ukungafaneleki kwizindlu zowiso-mthetho

25. (1) Nabani na, xa wawuqalisa ukusebenza uMgaqo-siseko omtsha, owayethothoza isigwebo kwiRiphabliki sokuvallelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 engakhethiswanga fayini, akafaneleki ukuba abe lilungu leNdlu yoWiso-mthetho okanye lendlu yowiso-mthetho yephondo.
- (2) Ukungafaneleki komntu ngokwesiqendwana (1) –
  - (a) kuyaphelelelwa ukuba ukufunyaniswa kwakhe enetyala kuyachithwa esakubhena, okanye ukuba isigwebo siyancitshiswa esakubhena sibe sisigwebo esingamenzi angafaneleki loo mntu;
  - (b) kuphela emva kweminyaka emihlanu siqityiwe isigwebo.

### Urhulumente wasekuhlaleni

26. (1) Kungakhathaliseki okutshiwo sisiqendu 151, 155, 156 nese-157 soMgaqo-siseko omtsha –
  - (a) okutshiwo yiLocal Government Transition Act 209 ka-1993, njengoko isenokuman' ukuthi yenziwe utshintsho ngumthetho wePalamente wezwelonke ovisisana noMgaqo-siseko omtsha, kuhlala kusebenza ngokumayela neBhunga likaMasipala de libe iBhunga likaMasipala elithabath' indawo yelo Bhunga livakaliswe njengelinyuliweyo njengesiphumo sonyulo-jikelele lokuqala lwamaBhunga kaMasipala emva kokuqalisa ukusebenza koMgaqo-siseko omtsha; kwaye

[Isiqendwana (a) sathatyathelw' indawo sisiqendu 5(a) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

- (b) inkokeli yomthonyama yoluntu oluphila ngokomthetho wemveli nehlala kumhlaba okummandla webhunga lasekuhlaleni lethutyana, webhunga lasemaphandleni lethutyana okanye webhunga labameli lethutyana, ekuthethwe ngawo kwiLocal Government Transition Act ka-1993, nekuthe kwabonaka ukuba iyileyo ichazwe kwisiqu 182 soMgaqo-siseko wangaphambili, inelungelo ngenxa yesikhundla sayo ukuba ibe lilungu lelo bhunga de libe iBhunga likaMasipala elithabath' indawo yelo bhunga libe libhengezwe njengelyuliweyo njengesiphumo sonyulo-jikelele lokuqala lwamaBhunga kaMasipala emva kokuqalisa kokusebenza koMgaqo-siseko omtsha.

[Isiqu (b) sathatyathelw' indawo sisiqendu 5(a) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

- (2) Isiqu 245(4) soMgaqo-siseko wangaphambili siyaqhubeka sisebenza kude kuphelelwe ukusetyenziswa kweso siqendu. Isiqu 16(5) nese-(6) seLocal Government Transition Act ka-1993 asinakutshitshiswa ngaphambi komhla wama-30 kuEpreli 2000.

[Isiqendwana (2) senziwa utshintsho sisiqendu 5(b) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

## Ukugcinwa kweMithetho yePalamente neMithetho yamaphondo

27. Isiqu 82 nese-124 soMgaqo-siseko omtsha azikuchaphazeli ukugcinwa kweMithetho yePalamente okanye kweMithetho yamaphondo ephunyezwe ngaphambi kokuqalisa koMgaqo-siseko omtsha ukusebenza.

## Ukubhaliswa kwempahla engenakufuduswa eyekarhulumente

28. (1) Kusakuveliswa isiqinisekiso ligunya elifanelekileyo esithi impahla engenakufuduswa eyekarhulumente yekarhulumente othile ngokwesiqu 239 soMgaqo-siseko wangaphambili, umgcinzi-zitayitile makakubhale oko encwadini efanelekileyo kwincwadi yobumnini okanye kolunye uxwebhu, ebhala loo mpahla engenakufuduswa egameni laloo rhulumente.
- (2) Akukho ntlawulo okanye mrhumo onokufunwa ngokubhaliswa okungokwesiqendwana (1).

# ISONGEZELELO A

## UTSHINTSHO KWISIHLOMELO 2 SOMGAQO-SISEKO WANGAPHAMBILI

### 1. **Isiqendu 1 sithatyathelw' indawo sisiqendu esilandelayo:**

'1 Amaqela abhaliswe ngokomthetho wepalamente wezwelonke nakhuphisana kunyulo lweNdlu yowiso-mthetho, makakhethe abagqatswa bolo nyulo kwizintlu zabagqatswa ezilungiselelwe ngokwesi Sihlomelo nangokomthetho wepalamente wezwelonke.'

### 2. **Isiqendu 2 sithatyathelw' indawo sisiqendu esilandelayo:**

'2 Izihlalo kwiNdlu yoWiso-mthetho ngokwendlela ezigqitywe ngayo ngokwesiqendu 46 soMgaqo-siseko omtsha, ziza kuhlalwa ngale ndlela ilandelayo:

- (a) isiqingatha sezihlalo zihlalwa kuthathwa kwizintlu zeengingqi ezingeniswe ngamaqela, kubekho inani eliqingqiweyo lezihlalo ezigcinelwe ingingqi nganye ngokwendlela ekugqitywe ngayo yiKomishoni yonyulo olulandelayo lweNdlu, kucingelwa ingcombolo efumanekayo esekelwe kwinzululwazi mayela nabavoti, nokumelwa ngabantu abachaphazelekayo;
- (b) esinye isiqingatha sezihlalo sihlalwa kuthathwa kwizintlu zezwelonke ezingeniswe ngamaqela, okanye kuthathwa kwizintlu zeengingqi xa kungangeniswanga zintlu zezwelonke.'

### 3. **Isiqendu 3 sithatyathelw' indawo sisiqendu esilandelayo:**

'3 Izintlu zabagqatswa ezingeniswe liqela mazithi, sekukonke, zibe namagama angengaphezulu kwenani labagqatswa elilingana nenani lezihlalo kwiNdlu yoWiso-mthetho, kwaye uluhlu ngalunye maluwalandelelanise amagama ngendlela engenakuguqulwa efunwa liqela.'

### 4. **Kwenziwa utshintsho kwisiqendu 5 ngokuthi amagama awandulela isiqendu (a) athatyathelw' indawo ngamagama alandelayo:**

'5 Izihlalo ekuthethwe ngazo kwisiqendu 2(a) mazabiwe ngokwengingqi zisabelwa amaqela akhuphisana kunyulo, ngale ndlela ilandelayo'

### 5. **Ukwenziwa kotshintsho kwisiqendu 6–**

(a) ngokuthi amagama awandulela isiqendu (a) athatyathelw' indawo ngamagama alandelayo:

‘6 Izihlalo ekuthethwe ngazo kwisiqundu 2(b) mazabelwe amaqela akhuphisana kunyulo, ngale ndlela ilandelayo.’; nangokuthi

(b) isiqundu (a) sithatyathelw’ indawo sisiqendu esilandelayo:

‘(a) livoti emazibekho ngesihlalo ngasinye mazingqitywe ngokwahlula inani lilonke leevoti elifakwe elizweni lonke, lahlulwe ngenani lezihlalo kwiNdlu yoWiso-mthetho, kongezwe isinye, kuze kwisiphumo kongezwe isinye, kuyekwe amaqhekeza, oko kuya kuba linani elifunekayo leevoti ngesihlalo ngasinye.’

**6. Kwenziwa utshintsho kwisiqundu 7(3) ngokuthi isiqundu (b) sithathelw’ indawo sisiqendu esilandelayo:**

‘(b) Inani elifunekayo elenziwe utshintsho lwevoti ngesihlalo ngasinye maligqitywe ngokwahlula inani lilonke leevoti ezifakwe elizweni lonke, kususwe inani leevoti ezifakwe elizweni zifakelwa iqela ekuthethwe ngalo kwisiqundu (a), lisahlulwa ngenani lezihlalo kwiNdlu, kongezwe isinye, kususwe inani leevoti eligqibela labelwe elo qela ngokwesiqundu (a).’

**7. Isiqundu 10 sithatyathelw’ indawo sisiqendu esilandelayo:**

‘10 Inani lezihlalo kwindlu yowiso-mthetho yephondo nganye maligqitywe ngokwesiqundu 105 soMgaqo-siseko omtsha.’

**8. Isiqundu 11 sithatyathelw’ indawo sisiqendu esilandelayo:**

‘(11) Amaqela abhaliswe ngokomthetho wepalamente wezwelonke nakhuphisana kunyulo lwendlu yowiso-mthetho yephondo makakhethe abagqatswa bokunyulelwa kuloo ndlu yowiso-mthetho yephondo kwizintlu zephondo ezilungiselelwe ngokwesi Sihlomo nangokomthetho wepalamente wezwelonke.’

**9. Isiqundu 16 sithatyathelw’ indawo sisiqendu esilandelayo:**

“Ukuchongwa kwabameli

16. (1) Emva kokuba ukubalwa kweevoti kugqityiwe, nenani labameli beqela ngalinye kwenziwa isigqibo ngalo, saza nesiphumo sonyulo sabhengezwa ngokwesiqundu 190 soMgaqo-siseko omtsha, iKomishoni mayithi, zingaphelanga iintsuku ezimbini zolo bhengezo, ichonge kuluhlu ngalunye lwabagqatswa, olupapashwe ngokomthetho wepalamente wezwelonke, abameli beqela ngalinye elikwindlu yowiso-mthetho.

(2) Emva kokuchonga ngokwesiqendwana (1), ukuba igama lomgqatswa livela kuluhlu olungaphezu kolunye lweNdlu yoWiso-mthetho okanye luvela

kwizintlu zako kokubini — kwiNdlu yoWiso-mthetho nakwindlu yowiso-mthetho yephondo (ukuba unyulo lweNdlu nolwendlu yowiso-mthetho yephondo lubakho ngaxesha-nye), abe loo mgqatswa efanele achongwe njengommeli ngaphezu kwesihlandlo esinye, iqela elingenise ezo zintlu malithi, zingaphelanga iintsuku ezimbini emva kokubhengeza, libonise iKomishoni ukuba loo mgqatswa uza kuchongwa koluphi na uluhlu okanye uza kukhonza kuyiphi na indlu yowiso-mthetho, ekuya kuthi xa kunjalo igama lomgqatswa licinywe kwezinye izintlu.

- (3) IKomishoni mayipapashe ngoko nangoko uluhlu lwamagama abameli kwindlu yowiso-mthetho okanye kwizindlu zowiso-mthetho.’

**10. Kwenziwa utshintsho kwisiqendu 18 ngokuthi isiqendu (b) sithatyathelw’ indawo sisiqendu esilandelayo:**

‘(b) ummeli umiselwa njengomthunywa osisigxina kwiBhunga lamaPhondo leZwelonke.’

**11. Isiqendu 19 sithatyathelw’ indawo sisiqendu esilandelayo:**

‘19 Izintlu zabagqatswa beqela ekuthethwe ngazo kwisiqendu 16(1) zinokuxabangelwa kube kanye kuphela nangaliphi na ixesha kwiinyanga ezili-12 zokuqala emva komhla ekugqitywe ngawo ukuchongwa kwabameli ngokwesiqendu 16, ukuze kuvalwe izithuba ezisisingxungxo: kodwa ke ukuxabangela makwenziwe ekupheleni koluhlu.’

**12. Isiqendu 23 sithatyathelw’ indawo sisiqendu esilandelayo:**

“Izithuba

23. (1) Xa kuthi kubekho isithuba kwindlu yowiso-mthetho ekusebenza kuso esi Sihlomo, iqela elalikhetha ilungu eliphumayo makube lilo elivala isithuba ngokukhetha umntu—
- ogama lakhe livela kuluhlu lwabagqatswa elalikhethwe kulo ilungu eliphumayo ntlandlolo;
  - nokwangumntu olandelayo ofanelekileyo ofumanekayo okuluhlu.
- (2) Ukhetho lokuvala isithuba malunikwe uSihlalo ngokubhala.
- (3) Ukuba iqela elimelweyo kwindlu yowiso-mthetho liyaphela, aze amalungu azishiye izihlalo zawo ngenxa yesiqendu 23A(1), ezo zihlalo mazabelwe amaqela aseleyo, kubekho nje utshintsho oluyimfuneko, ngokungathi bekuzizihlalo ekuphulukwene nazo ngokwesiqendu 7 okanye 14.’



**13. Kufakelwa isiqendu esilandelayo emva kwesiqendu 23:**

'Esinye isizathu sokulahlekelwa bubulungu kwizindlu zowiso-mthetho

- 23A. (1) Umntu ulahlekelwa bubulungu bendlu yowiso-mthetho ekusebenza kuyo esi Sihlomelo ukuba loo mntu uyayeka ukuba lilungu leqela elamkethayo ukuba abe lilungu lendlu yowiso-mthetho.
- (2) Nangona sisitsho oku esikutshoyo isiqendwana (1), naliphi na iqela lolopolitiko elikhoyo lingalitshintsha igama lalo nangaliphi na ixesha.
- (3) UMthetho wePalamente unokuthi, kungadanga kube lixesha elide emva kokuba uMgaqo-siseko omtsha uqalise ukusebenza, uphuyezwe ngokwesiqendu 76(1) soMgaqo-siseko omtsha ukuze wenze utshintsho kwesi siqendu nakwisiqendu 23 ukuze uxele indlela ekuza kuba nokwenzeka ngayo ukuba ilungu lendlu yowiso-mthetho eliyeka ukuba lilungu leqela elalikhethelo lungu lihlale lililungu lendlu yowiso-mthetho.
- (4) UMthetho wePalamente ekuthethwe ngawo kwisiqendwana (3) usenokuvumela nento yokuba—
- (a) naliphi na iqela elikhoyo libe liqela elinye nelinye iqela; okanye
- (b) naliphi na iqela lizale amanye amaqela.'

**14. Kucinywa isiqendu 24.**

**15. Kwenziwa utshintsho kwisiqendu 25—**

- (a) ngokuthi ukuchazwa kwegama elithi "iKomishoni" kuthatyathelw' indawo kukuchazwa kwegama okulandelayo:  
"iKomishoni' yiKomishoni yoNyulo ekuthethwe ngayo kwisiqendu 190 soMgaqo-siseko omtsha,"; nangokuthi
- (b) kufakelwe ukuchazwa kwegama okulandelayo emva kokuchazwa kwegama elithi "nationalist":  
"uMgaqo-siseko omtsha' nguMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996..

**16. Kucinywa isiqendu 26.**

# ISONGEZELELO B

## URHULUMENTE WOBUNYE BELIZWE: KWINQWANQWA LEZWELONKE

### 1. Isiqendu 84 soMgaqo-siseko omtsha sithathwa njengesinesi siqendwana esongeziweyo silandelayo:

- (3) UMongameli makabonisanane nooSekela-Mongameli abakulawulo—
- ekuphuhliseni nasekuphunyezweni kweenkqubo zorhulumente wezwelonke;
  - kuyo yonke imicimbi ephathelele ekuphathweni kweKhabhinethi nasekwenziweni kwemisebenzi yeKhabhinethi;
  - ekwabelweni kwemisebenzi kooSekela-Mongameli abakulawulo;
  - ngaphambi kokuba amisele nawuphi na umntu ngokoMgaqo-siseko okanye ngokomthetho wepalamente, kuquka nokumiselwa kukanozakuzaku okanye abanye abameli belizwe;
  - ngaphambi kokuba amisele iikomishoni zophando;
  - ngaphambi kokuba athi makubekho uvavanyo-zimvo;
  - naphambi kokuba axolele abonileyo.

### 2. Isiqendu 89 soMgaqo-siseko omtsha sithathwa njengesinesi siqendwana silandelayo:

(3) Isiqendwana (1) nese-(2) zisebenza nakuSekela-Mongameli okulawulo.’

### 3. Isiqendu (a) sesiqendu 90(1) soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela:

(a) USekela-Mongameli okulawulo ochongwe nguMongameli.’

### 4. Isiqendu 91 soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela: ‘IKhabhinethi

- 91 (1) IKhabhinethi nguMongameli, ooSekela-Mongameli kunye —
- naBaphathiswa abangengaphezulu kwama-27 abangamalungu eNdlu yoWiso-mthetho nabamiselwe ngokwesiqendwana (8) nese-(12);
  - noMphathiswa omnye ongelilo ilungu leNdlu yoWiso-mthetho yabali-175 nomiselwe ngokwesiqendwana (13), kodwa kuxhomekeke ekubeni uMongameli, ebonisana nooSekela-Mongameli neenkokeli zamaqela athabath’ inxaxheba, bakubona ukumiselwa koMphathiswa onjalo kufanelekile.

- (2) Iqela ngalinye elinezihlalo ezingama-80 ubuncinane kwiNdlu yoWiso-mthetho linelungelo lokuchonga uSekela-Mongameli limchonga kumalungu alo eNdlu.
- (3) Ukuba alikho iqela okanye linye kuphela iqela elinezihlalo ezingama-80 okanye ngaphezulu kwiNdlu, iqela elinelona nani likhulu lezihlalo neqela elinenani elilandelayo ngobukhulu lezihlalo, ngalinye kuwo linelungelo lokuchonga uSekela-Mongameli kumalungu alo eNdlu.
- (4) Esakuchongwa, uSekela-Mongameli usengakhettha ukuhlala elilungu leNdlu okanye ayeke ukuba lilo.
- (5) USekela-Mongameli usenokusebenzisa amagunya kwaye makenze imisebenzi enikwe umntu okwisikhundla sokuba nguSekela-Mongameli eyinikwa nguMgaqo-siseko okanye imisebenzi eyabelwe umntu okweso sikhundla nguMongameli.
- (6) USekela-Mongameli uba sesikhundleni–
  - (a) kude kube ngumhla wama-30 kuEpreli 1999 ngaphandle kokuba uthatyathelw' indawo okanye ayekiswe liqela elinelungelo lokuchonga ngokwesiqendwana (2) nese-(3); okanye
  - (b) de angene esikhundleni umntu onyulelwe ukuba nguMongameli emva konyulo lweNdlu yoWiso-mthetho lwangaphambi komhla wama-30 kuEpreli 1999.
- (7) Isithuba esikwisikhundla sikaSekela-Mongameli sinokuvalwa liqela elachonga loo Sekela-Mongameli.
- (8) Iqela elinezihlalo ezingama-20 ubuncinane kwiNdlu yoWiso-mthetho nelithe lagqiba kwelokuba lithabath' inxaxheba kurhulumente womanyano, linelungelo lokunikwa elinye lamasebe eKhabhinethi okanye amasebe angakumbi abaza kumiselwa kuwo aBaphathiswa ekuthethwe ngabo kwisiqendwana (1)(a), ngokulingana nenani lezihlalo elinalo elo qela kwiNdlu yoWiso-mthetho xa kutheleksiwa nenani lezihlalo anazo amanye amaqela athabath' inxaxheba.
- (9) Amasebe eKhabhinethi mawanikwe amaqela athabath' inxaxheba ngokwale ndlela ilandelayo:
  - (a) inani elifunekayo lezihlalo zesebe ngalinye maliqingqwe ngokwahlula inani lezihlalo xa zizonke kwiNdlu yoWiso-mthetho ngenani lamasebe amabamiselwe kuwo aBaphathiswa kwisiqendwana (1)(a), kongezwe isinye;
  - (b) isiphumo esifumanekayo apho, xa kulahlwa amanani angamaqhezu, ukuba akho, linani elifunekayo lezihlalo kwisebe ngalinye;

- (c) inani lamasebe amakanikwe iqela elithabath' inxaxheba liqingqwa ngokwahlula inani lezihlalo zizonke elinazo elo qela kwiNdlu yoWiso-mthetho, lahlulwe ngenani elifunekayo ekuthethwe ngalo kwisiqendu (b).
- (d) isiphumo esifunekayo apho, ngokulawulwa sisiqendu (e) sibonisa inani lamasebe amakabelwe kwelo qela;
- (e) xa ukusetyenziswa kwale ndlela ingentla kuvelisa ukratya ongaginywayo linani lamasebe abelwe kwiqela, ukratya ukhuphisana nabanye ookratya abafanayo abakwelinye iqela okanye amaqela, kuze kuthi ke naliphi na isebe okanye amasebe asalayo engabiwanga abelwe kwiqela okanye kumaqela lawo ngolandelelwano loyena kratya uphezulu.
- (10) Emva kokubonisa nooSekela-Mongameli kunye neenkokeli zamaqela athabath' inxaxheba, uMongameli—
- (a) makenze isigqibo ngamasebe amakanikwe amaqela athabath'inxaxheba ngokwenani lamasebe anikwa wona ngokwesiqendu 9;
- (b) kwisebe ngalinye makamisele ilungu leNdlu yoWiso-mthetho elilungu leqela elinikwe elo sebe ngokwesiqendu (a), emmisela njengoMphathiswa ophathiswe elo sebe;
- (c) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo, makasitshintshe nasiphi na isigqibo esenziwe ngokwesiqendu (a), ngokulawulwa sisiqendwana (9);
- (d) makamyekeise nawuphi na umntu omiselwe ngokwesiqendu (b)—
- (i) ukuba uMongameli ucelwa ukuba enze njalo yinkokeli yeqela alilungu lalo uMphathiswa lowo; okanye
- (ii) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo; okanye
- (e) akasivale isithuba esikwisikhundla soMphathiswa, xa kuyimfuneko, ngokulawulwa sisiqendu (b).
- (11) Makusetyenziswe isiqendwana (10) ngomoya wokuba kubekho urhulumente womanyano, kwaye uMongameli kunye namanye amagosa mabafune ukuvumelana ngamaxesha onke ekusebenziseni eso siqendwana, kodwa ke ukuba akunakuvunyelwana—
- (a) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (a), (c) okanye (d) (ii) kweso siqendwana, kuba sisiqibo sikaMongameli esigqibelayo;

- (b) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b), (d)(i) okanye (e) kweso siqendwana okuchaphazela umntu ongelilo ilungu leqela likaMongameli, isigqibo senkokeli yeqela alilungu lalo umntu lowo kuba siso esiqibelayo;
- (c) nangokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b) okanye (e) kweso siqendwana okuchaphazela umntu olilungu leqela likaMongameli, kuba sisigqibo sikaMongameli esiqibelayo.
- (12) Ukuba nasiphi na isigqibo sokwabiwa kwamasebe siyatshintshwa ngokwesiqendwana (10)(c), aBaphathiswa abachaphazelekileyo mabaphume kumasebe abo, kodwa bayafaneleka, kwiimeko ekunokwenzeka kuzo, ukuba bamiselwe kwakhona kwamanye amasebe anikwe amaqela abo ngokwesigqibo esitshintshiweyo.
- (13) UMongameli –
- (a) ebonisana noSekela-Mongameli kunye neenkokeli zamaqela athabath'inxaxheba–
- (i) makenze isigqibo ngesebe elithile loMphathiswa ekuthethwe ngalo kwisiqendwana (1)(b) xa kunokuthi kube ngenxa yesigqibo sikaMongameli ngokweso siqendwana (2);
- (ii) makamisele kwelo sebe umntu ongelilo ilungu leNdlu yoWiso-mthetho, emmisela njengoMphathiswa ophathiswe elo sebe; aze
- (iii) ukuba kuyimfuneko, avale isithuba kwelo sebe; okanye
- (b) emva kokubonisana noSekela-Mongameli neenkokeli zamaqela athabath'inxaxheba, makamyekise nawuphi na umntu omiselwe ngokwesiqendu (a) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo.
- (14) lintlanganiso zeKhabhinethi mazonganyelwe nguMongameli okanye, ukuba uMongameli uyalela ngolo hlobo, zonganyelwe nguSekela-Mongameli, kodwa ke ooSekela-Mongameli bongamela ngokubolekisana kwiintlanganiso zeKhabhinethi ngaphandle kokuba iimeko ezingxamisekileyo zikarhulumente nomoya okhoyo kurhulumente womanyano ufunisa ukuba kwenzeke ngenye indlela.
- (15) IKhabhinethi mayisebenze ngendlela ecingela ubukho bomoya wokuvumelana omawubekho kurhulumente womanyano kunye nemfuneko yorhulumente osebenza ngempumelelo.”

**5. Isiqendu 93 soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela:**

“Ukumiselwa kooSekela-Mphathiswa

93. (1) Emva kokubonisana nooSekela-Mongameli kunye neenkokeli zamaqela athabath' inxaxheba kwiKhabhinethi, uMongameli usenokuvula izithuba zoosekela-mphathiswa.
- (2) Iqela linelungelo lokunikwa isithuba esinye okanye ezingaphezu koko zoosekela-mphathiswa ngomlinganiselo ofanayo nangendlela efanayo awabiwa ngayo amasebe kwiKhabhinethi.
- (3) Mayela nooSekela-Mphathiswa kusebenza okutshiwo kwisiqendu 91(10) ukuya kwese-(12), kubekho nje utshintsho oluyimfuneko, kwaye ekusebenziseni okutshiwo zezo ziqendu, xa kuthethwa ngoMphathiswa kweso siqendu okanye kuthethwa ngesebe, oko makuthathwe ngokuthi kuthethwa ngoSekela-Mphathiswa okanye isithuba sosekela-mphathiswa.
- (4) Ukuba umntu umiselwa njengoSekela-Mphathiswa walo naliphi na isebe eliphathiswe uMphathiswa—
- (a) loo Sekela-Mphathiswa makathi, egameni loMphathiswa, asebenzise amagunya kwaye enze nemisebenzi eyabelwe loo Mphathiswa wepalamente okanye ngenye indlela, magunya lawo nemisebenzi leyo enokuthi yabelwe loo Sekela-Mphathiswa nguMphathiswa, kodwa ngokulawulwa yimiyalelo kaMongameli;
- (b) xa, nakuwuphi na umthetho wepalamente, kuthethwa ngoMphathiswa, oko makuthathwe njengokuquka noSekela-Mphathiswa esebenza ngokwabelwa nguMphathiswa anguSekela-Mphathiswa wakhe, ngokwesiqendu (a).
- (5) Nanini na xa uSekela-Mphathiswa engekho okanye ngaso nasiphi na isizathu engenakukwazi ukusebenzisa amagunya esikhundla okanye ukwenza imisebenzi yesikhundla sakhe, uMongameli unokumisela nawuphi na omnye uSekela-Mphathiswa okanye nawuphi na omnye umntu ukuba abambeke endaweni yaloo Sekela-Mphathiswa, ukuba enze yonke into okanye asebenzise igunya elixeliweyo okanye enze umsebenzi oxeliweyo.

**6. Isiqendu 96 soMgaqo-siseko omtsha sithathwa njengesinezi ziqendwana zilandelayo ezongeziweyo:**

- (3) Ngamnye kuBaphathiswa uphendula kuMongameli nakwiNdlu yoWiso-mthetho

ngendlela abawasingatha ngayo amasebe abo, kwaye onke amalungu eKhabhinethi aphenyula kwangaloo ndlela xa ewonke ngendlela ayenza ngayo imisebenzi karhulumente wezwelonke neenkqubo zakhe.

- (4) ABaphathiswa mabawasingathe amasebe abo ngokwenkqubo egqitywe yiKhabhinethi.
- (5) Ukuba uMphathiswa uyoyisakala ukulisingatha isebe ngokwenkqubo yeKhabhinethi, uMongameli usenokufuna ukuba loo Mphathiswa alisingathe isebe ngokwenkqubo.
- (6) Ukuba uMphathiswa uyoyisakala ukwenza okufunwa nguMongameli ngokwesiqendwana (5), uMongameli usenokumshenxisa loo Mphathiswa—
  - (a) ukuba nguMphathiswa ekuthethwe ngaye kwisiqendu 91(1)(a), emshenxisa emva kokubonisana noMphathiswa, kuze kuthi ukuba uMphathiswa lowo akalilo ilungu leqela likaMongameli okanye akayiyo inkokeli yeqela elithabath'inxaxheba, amshenxise nasemva kokubonisana nenkokeli yeqela laloo Mphathiswa; okanye
  - (b) ukuba nguMphathiswa ekuthethwe ngaye kwisiqendu 91(1)(b), emva kokubonisana noSekela-Mongameli kunye neenkokeli zamaqela athabath'inxaxheba.

# ISONGEZELELO C

## Urhulumente Womanyano: Kwinqwanqwa Lamaphondo

### 1. Isiqendu 132 soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela:

“ABaphathiswa bamaphondo

- 132 (1) ABaphathiswa bephondo yiNkulumbuso kwakunye namalungu angekho ngaphezu kwe-10 amiselwe nguMongameli ngokwesi siqendu.
- (2) Iqela eline-10 ekhulwini ubuncinane lezihlalo kwindlu yowiso-mthetho yephondo nelithe lagqiba kwelokuba lithabath'inxaxheba kurhulumente womanyano, linelungelo lokwabelwa isebe okanye amasebe kurhulumente wephondo ngokulinganayo nenani lezihlalo elinazo kwindlu yowiso-mthetho ngokwenani lezihlalo anazo amanye amaqela athabath'inxaxheba.
- (3) Amasebe kurhulumente wephondo mawabelwe kumaqela athabath'inxaxheba ngokwendlela efanayo echazwe kwisiqendu 91(9), kwaye ekusebenziseni loo ndlela, xa, kweso siqendu, kuthethwa—
- (a) ngeKhabhinethi, oko makuqondwe ngokuthi kuthethwa ngaBaphathiswa bephondo;
- (b) ngoMphathiswa, oko makuqondwe ngokuthi kuthethwa ngoMphathiswa wephondo;
- (c) ngeNdlu yoWiso-mthetho, oko makuqondwe ngokuthi kuthethwa ngendlu yowiso-mthetho yephondo.
- (4) Emva kokubonisana neenkokeli zamaqela athabath'inxaxheba, iNkulumbuso yephondo—
- (a) mayenze isiqgibo ngamasebe amawanike amaqela athabath'inxaxheba ngokwenani lamasebe abelwe wona ngokwesiqendwana (3);
- (b) makamisele kwisebe ngalinye ilungu lendlu yowiso-mthetho yephondo elililungu leqela elinikwe elo sebe ngokwesiqendu (a), alimisele libe nguMphathiswa wephondo ophathiswe elo sebe;
- (c) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo, atshintshe nasiphi na isiqgibo asenze ngokwesiqendu (a), kodwa ngokulawulwa sisiqendwana (3);
- (d) ayekise nawuphi na umntu ammiseleyo ngokwesiqendu (b)—



- (i) ukuba iNkulumbuso icelwa ukuba yenze njalo yinkokeli yeqela alilungu lalo uMphathiswa wephondo lowo; okanye
  - (ii) ukuba kuthi kube yimfubeko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo; okanye
  - (e) makavale isithuba soMphathiswa wephondo, xa kuyimfuneko, ngokulawulwa sisiqendu (b).
- (5) Makusetyenziswe isiqendwana (4) ngomoya wokuba kubekho urhulumente womanyano, kwaye iNkulumbuso namanye amagosa achaphazelekayo mabafune ukuba kubekho ukuvumelana ngamaxesha onke ekusetyenzisweni kweso siqendwana, kodwa ke ukuba ukuvumelana akunakwenzeka—
- (a) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (a), (c), or (d)(ii) kweso siqendwana, kuba sisigqibo seNkulumbuso esigqibelayo;
  - (b) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b), (d)(i) okanye (e) kweso siqendwana okuchaphazela umntu ongelilo ilungu leqela leNkulumbuso, isigqibo senkokeli yeqela alilungu lalo loo mntu kuba siso esigqibelayo;
  - (c) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b) okanye (e) kweso siqendwana okuchaphazela umntu olilungu leqela leNkulumbuso, kuba sisigqibo seNkulumbuso esigqibelayo.
- (6) Ukuba isigqibo esingokwabiwa kwamasebe siyatshintshwa ngokwesiqendwana (4) (c), amalungu achaphazelekayo makaphume kumasebe awo, kodwa ayafaneleka, kwiimeko ekunokwenzeka kuzo oko, ukuba amiselwe kwakhona kwamanye amasebe awabelwe amaqela awo ngokwesigqibo esitshintshiweyo.
- (7) lintlanganiso zaBaphathiswa bephondo mazonganyelwe yiNkulumbuso yelo phondo.
- (8) ABaphathiswa bephondo mabasebenze ngendlela ecingela umoya wokuvumelana omawubekho kurhulumente womanyano, kwakunye nemfuneko yokuba urhulumente asebenze ngempumelelo.’

**2. Isiqendu 136 soMgaqo-siseko omtsha sithathwa njengesiqulethe ezi ziqendwana ezongeziweyo zilandelayo:**

- ‘(3) Ngamnye kuBaphathiswa bephondo uphendula kwiNkulumbuso nakwindlu yowiso-mthetho yephondo ngendlela abawasingethe ngayo amasebe abo ephondo,

kuze kuthi bonke aBaphathiswa bephondo xa bebonke baphendule ngendlela abayenza ngayo imisebenzi karhulumente wephondo neenkqubo zakhe.

- (4) ABaphathiswa bephondo mabawasingathe amasebe ephondo ngokwenkqubo egqitywe ngaBaphathiswa.
- (5) Ukuba uMphathiswa wephondo uyoyisakala ukulisingatha isebe lakhe ngokwenkqubo yaBaphathiswa bephondo, iNkulumbuso isenokufuna ukuba loo Mphathiswa alisingathe iphondo ngokwaloo nkqubo.
- (6) Ukuba uMphathiswa wephondo uyoyisakala ukwenza okufunwa yiNkulumbuso ngokwesiqendwana (5), iNkulumbuso isenokumshenxisa esikhundleni emva kokubonisana noMphathiswa lowo, kuze kuthi ukuba uMphathiswa lowo akalilo ilungu leqela leNkulumbuso okanye akayiyo inkokeli yeqela elithabath'inxaxheba, imshenxise emva kokubonisana nenkokeli yeqela laloo Mphathiswa.'

# ISONGEZELELO D

## Imisebenzi Yolawulo Karhulumente Neenkonzko Zokhuseleko: Utshintsho Olwenziwa Kwiziqendu ZoMgaqo-siseko Wangaphambili

1. **Kwenziwa utshintsho kwiziqendu 218 soMgaqo-siseko wangaphambili–**
  - (a) ngokuthi kwiziqendwana (1) amazwi awandulela isiqendu (a) athatyathelw’ indawo ngamazwi alandelayo:  
“(1) Ngokulawulwa yimiyalelo yoMphathiswa Wokhuseleko, uMkomishinala weZwelonke uza kuba noxanduva—”;
  - (b) ngokuthi isiqendu (b) kwiziqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo:  
“(b) ukumiselwa kwabakomishinala bamaphondo;”;
  - (c) ngokuthi isiqendu (d) kwiziqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo:  
“(d) ukuphandwa nokuthintelwa kolwaphulo-mthetho olucwangcisiweyo okanye ulwaphulo-mthetho olufuna uphando nothintelo kwilizwe lonke okanye izakhono ezikhethekileyo;”;
  - (d) isiqendu (k) kwiziqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo:  
“(k) ukusekwa kwamapolisa okulondolozi’ ucwangco eluntwini kwilizwe lonke nokulondolozwa kwawo eza kuthiwa saa kuxhaswa uMkomishinala wePhondo nangokucelwa nguye.’
2. **Kwenziwa utshintsho kwiziqendu 219 soMgaqo-siseko wangaphambili ngokuthi kwiziqendwana (1) amazwi awandulela isiqendu (a) athatyathelw’ indawo ngamazwi alandelayo:**  
‘(1) Ngokulawulwa sisiqendu 218(1), uMkomishinala wePhondo uza kuba noxanduva—.’
3. **Kwenziwa utshintsho kwiziqendu 224 soMgaqo-siseko wangaphambili ngokuthi imeko yoxhomekeko ekwiziqendwana (2) ithatyathelw’ indawo yimeko yoxhomekeko elandelayo:**  
“Kodwa ke kuxhomekeke ekubeni esi siqendwana siza kusebenza nakumalungu awo nawuphi na umkhosi oxhobileyo ongenise uluhlu lwawo lwabasebenzi emva kokuqalisa koMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1993 (uMthetho 200 ka-1993),

kodwa ngaphambi kokwamkelwa koMgaqo-siseko omtsha ekuthethwe ngawo kwisiqendu 73 saloo Mgaqo-siseko, ukuba umbutho wopolitiko omi ngawo umkhosi lowo nophantsi kolawulo lwawo okanye onxulumene nawo noqhubela phambili iinjongo zawo waba nenxaxheba kwiBhunga leXesha loTshintsho okanye waba nenxaxheba kunyulo lokuqala lweNdlu yoWiso-mthetho nakwizindlu zowiso-mthetho zamaphondo phantsi koMgaqo-siseko oxeliweyo.’

**4. Kwenziwa utshintsho kwisiqendu 227 soMgaqo-siseko wangaphambili ngokuthi isiqendwana (2) sithatyathelw’ indawo sisiqendwana esilandelayo:**

‘(2) UMkhosi woKhuselo weZwelonke mawusebenzise amagunya awo kwaye wenze imisebenzi yawo kuphela ukuba oko kuza kunceda ilizwe ngokweSahluko 11 soMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996.’

**5. Kwenziwa utshintsho kwisiqendu 236 soMgaqo-siseko wangaphambili—**

(a) ngokuthi isiqendwana (1) sithatyathelw’ indawo sisiqendwana esilandelayo:

‘(1) inkonzo yaseburhulumenteni, isebe likarhulumente, iziko lolawulo okanye inkonzo yokhuseleko eyayisenza imisebenzi yoburhulumente ngaphambi nje kokuqalisa koMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996 (oza kubizwa emva koku ngokuthi nguMgaqo-siseko omtsha’), ziyaqhubeka zisebenza ngokomthetho wepalamente osebenzayo kuzo zide zibe zitshitshisiwe okanye zafakelwa kwiziko elifanelekileyo okanye zahlangahlengiswa okanye zamanywa nelinye iziko.’

(b) ngokuthi isiqendwana (6) sithatyathelw’ indawo sisiqendwana esilandelayo:

‘(6) (a) UMongameli usenokumisela iKomishoni ukuba iqwalasele ngokutsha ukubotshwa kwesivumelwano okanye ukwenziwa kotshintsho kuso, ukumiselwa okanye ukunyunyelwa, okanye ukunikwa ixesha lokusebenza okanye umqathango wokusebenza okanye enye into eyinzuzo, eyenzeka phakathi komhla wama-27 kuEpreli 1993 nowama-30 kuSeptemba 1994 mayela nomntu ekuthethwe ngaye kwisiqendwana (2) okanye uvidi lwabantu abanjalo.

(b) Ikomishoni isenokusirhoxisa isivumelwano okanye yenze utshintsho kuso, irhoxise okanye yenze utshintsho ekumiselweni, ekunyunyelweni okanye ekunikweni loo nto iyinikwayo ukuba akufanelekanga okanye akuthetheleleki kwezo meko.’; nangokuthi

(c) amagama athi “Io Mgaqo-siseko”, naphi na apho abonakala khona kwisiqendu 236, athatyathelw’ indawo ngamagama athi “uMgaqo-siseko omtsha.”

**6. Kwenziwa utshintsho kwisiqendu 237 soMgaqo-siseko wangaphambili–**

- (a) ngokuthi isiqendu (a) kwisiqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo:  
 ‘(a) uhlengahlengiso lwawo onke amaziko ekuthethwe ngawo kwisiqendu 236(1), ngaphandle kwemikhosi yamajoni ekuthethwe ngayo kwisiqendu 224(2) luza kuthi, emva kokuqalisa kokusebenza koMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996, luqhubeke, ngenjongo yokuseka—  
 (i) ulawulo oluphumelelayo kwinqwanqwa lezwelonke likarhulumente ukuze lusingathe imicimbi ephantsi kwegunya lenqwanqwa likarhulumente wezwelonke; nokuseka  
 (ii) ulawulo oluphumelelayo lwephondo ngalinye lokusingatha imicimbi ephantsi kwegunya lorhulumente ngamnye wephondo.”; nangokuthi.’
- (b) isiqendwana (i) kwisiqendwana (2)(a) sithatyathelw’ indawo sisiqendwana esilandelayo:  
 ‘(i) amaziko ekuthethwe ngawo kwisiqendu 236(1), ngaphandle kwemikhosi yamajoni, aza kuhlala ekurhulumente wezwelonke, oza kuthi afeze imbopheleleko yakhe ngokusebenzisana oorhulumente bamaphondo;’

**7. Kwenziwa utshintsho kwisiqendu 239 soMgaqo-siseko wangaphambili ngokuthi isiqendwana (4) sithatyathelw’ indawo sisiqendwana esilandelayo:**

- ‘(4) Ngokulawulwa nguwo nawuphi na umthetho osebenzayo kwimeko leyo, nangokuvisisana nawo, impahla, amalungelo, imisebenzi noxanduva lwayo yonke imikhosi ekuthethwe ngayo kwisiqendu 224(2), ezo zinto ziza kuba semagxeni oMkhosi Wokhuselo weZwelonke ngokwemiyalelo yoMphathiswa Wokhuselo.’

# **ISIHLOMELO 6A**

[Sihlomelo 6A safakelwa sisiqendu 6 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

## ISIHLOMELO 6B

[Sihlomelelo 6B, esasifudula sisiSihlomelelo 6A ngaphambili, safakelwa sisiqendu 2 soMthetho Wesibhozo Wokwenz' Utshintsho KuMgaqo-siseko ka-2002, saza senziwa utshintsho sisiqendu 5 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2003, saza sanikwa inombolo entsha sisiqendu 6 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka2003, saza satshitshiswa sisiqendu 5 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

# ISIHLOMEL0 7

## IMITHETHO ETSHITSHISWAYO

<b>INOMBOLO YO-MTHETHO NONYAKA WAWO</b>	<b>IGAMA LAW0</b>
UMthetho 200 ka-1993	uMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1993
UMthetho 2 ka-1994	UMthetho Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1994
UMthetho 3 ka-1994	UMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1994
UMthetho 13 ka-1994	UMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1994
UMthetho 14 ka-1994	UMthetho Wesine Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1994
UMthetho 24 ka-1994	UMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1994
UMthetho 29 ka-1994	UMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1994
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UMthetho 44 ka-1995	UMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1995
UMthetho 7 ka-1996	UMthetho Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1996
UMthetho 26 ka-1996	UMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliki YoMzantsi-Afrika ka-1996



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