ISHEDULI 1

IFULEGI LIKAZWELONKE

(1) Ifulegi likazwelonke linezinhlangothi ezine; lungubude obungokukodwa nohhafu ngaphezulu kobubanzi.

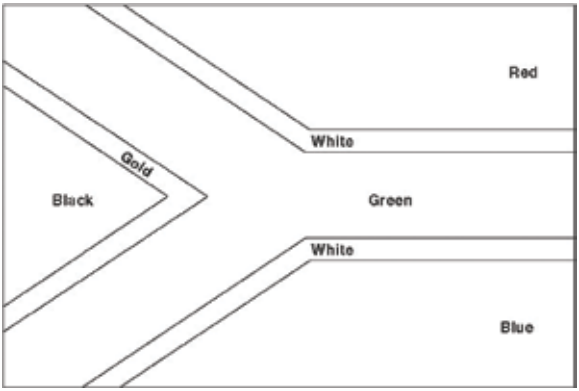
(2) Linombala omnyama, osagolide, oluhlaza okotshani, nomhlophe, obomvu okukapelepele kanye noluhlaza okwesibhakabhaka.

(3) Linebhande eliluhlaza okotshani elime okuka-Y elinobubanzi obungokukodwa kokuhlanu efulegini. Imigqa ephakathi nendawo yebhande iqala ezingosini ezingenhla nezingezansi eziseduze kwesigxobo sefulegi, ihamba iyohlangana maphakathi nefulegi, bese iqhubeka owodwa eduze komunye ize iphelele phakathi nohlangothi oluzimele.

(4) Ibhande eliluhlaza okotshani likakwe, ngenhla nangezansi ngumbala omhlophe, bese kuthi ngasesigxotsheni sefulegi likakwe ngumbala osagolide. Umbala okake indawo eluhlaza okotshani, ngamunye ungokukodwa kokuyishumi nesihlanu kobubanzi befulegi.

(5) Unxantathu oseduze kwesigxobo sefulegi umnyama.

(6) Ibhande elilele ngenhla linombala obomvu okusapelepele kuthi ibhande elilele ngezansi libe luhlaza okwesibhakabhaka. La mabhande angokukodwa kokuthathu lilinye ebubanzini befulegi.



Black - omnyama

Gold - osagolide

Red - obomvu

White - omhlophe

Green - oluhlaza okotshani

Blue - oluhlaza okwesibhakabhaka

ISHEDULI 1A

IMINGCELE YEZINDAWO ZEZIFUNDAZWE

[Isheduli yoku 1A ifakwe yisigaba sesi 4 soMthetho Weshumi Nambili Wokuchibiyela uMthethosisekelo we 2005 futhi nayisigatshana soku (1) indawo yaso ithathwe yisigaba soku 1 soMthetho Weshumi Nantathu Wokuchibiyela uMthethosisekelo we 2009]

Isifundazwe saseMpumalanga Kapa

[Ukuklanywa kwesifundazwe saseMpumalanga Kapa osuswe nguMthetho Weshumi Nantathu Wokuchibiyela uMthethosisekelo we 2007]

Ibalazwe 3 lweSheduli 1 kuSaziso 1998 siwe 2005
Ibalazwe 6 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 7 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 8 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 9 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 10 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 11 lweSheduli 2 kuSaziso 1998 siwe 2005

Isifundazwe saseFreyistata

Ibalazwe 12 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 13 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 14 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 15 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 16 lweSheduli 2 kuSaziso 1998 siwe 2005

Isifundazwe saseGauteng

[Ukuklanywa kwesifundazwe saseGauteng ochitshiyelwe nguMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 4 lweShedulu 1 esikuSaziso 1490 siwe 2005

[IUkuphawula okukubalazwe lesi 4 indawo yaso ithathwe yisigaba soku 1(a) soMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 17 lweShedulu 2 kuSaziso 1998 siwe 2005

Ibalazwe 18 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 19 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 20 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 21 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saKwaZulu-Natali

Ibalazwe 22 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 23 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 24 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 25 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 26 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 27 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 28 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 29 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 30 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 31 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 32 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseLimpopo

Ibalazwe 33 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 34 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 35 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 36 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 37 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseMpumalanga

Ibalazwe 38 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 39 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 40 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseNtshonalanga Kapa

Ibalazwe 41 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 42 lweShedulu 2 kuSaziso 1998 siwe 2005

Ibalazwe 43 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 44 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 45 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseNyakatho Ntshonalanga

[Ukuklanywa kwesiFundazwe saseNyakatho Ntshonalanga ochitshiyelwe nguMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 5 lweSheduli 2 kuSaziso 1490 siwe 2008

[IUkuphawula okukubalazwe lesi 5 indawo yako ithathwe yisigaba soku 1(b) soMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 46 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 47 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 48 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseNtshonalanga Kapa

Ibalazwe lama 49 lweShedulu yesi 2 kuSaziso se 1998 siwe 2005
Ibalazwe lama 50 lweShedulu yes -2 kuSaziso 1998 siwe 2005
Ibalazwe lama 51 lweShedulu yesi 2 kuSaziso 1998 siwe 2005
Ibalazwe lama 52 lweShedulu yesi 2 kuSaziso 1998 siwe 2005
Ibalazwe lama 53 lweShedulu yesi 2 kuSaziso 1998 siwe 2005
Ibalazwe lama 54 lweShedulu yesi 2 kuSaziso 1998 siwe 2005

ISHEDULI 2

IZIFUNGO NEZIQINISEKISO

[Isheduli yesi 2 ichibiyelwe yisigaba sesi 2 soMthetho Wokuqala Wokuchibiyela uMthethosisekelo we 1997 futhi indawo yayo ithathwe yisigaba se 18 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

Isifungo noma isiqinisekiso sikaMongameli neseBamba LikaMongameli

1. UMongameli noma iBamba LikaMongameli, kufanele afunge noma aqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo, noma ngaphambi kwejaji elinye elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—
Phambi kwabo bonke abantu ababuthene lapha, futhi ngicacelwa kahle ukubaluleka kwesikhundla engibizelwe kuso njengoMongameli /njengeBamba LikaMongameli WeRiphabhuliki YaseNingizimu Afrika, mina, A.B. ngiyafunga /ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika, futhi ngizothobela ngilandele, ngiphakamise futhi ngigcine uMthethosisekelo kanye nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngokuqinisekile nangokuzinikela ngiyethembisa ukuthi ngiyohlala njalo –
    - ngiqhubela phambili konke okuzothuthukisa iRiphabhuliki; futhi ngiphikise konke okungayikhinyabeza;
    - ngivikela futhi ngiqhubela phambili amalungelo abo bonke abantu baseNingizimu Afrika;
    - ngenza imisebenzi yami ngawo wonke amandla namakhono ami ngokwazi kwami okuphelele nekhono lokwenza futhi ngilandela iziyalo zikanembeza wami;
    - ngenza ubulungiswa kubo bonke; futhi
    - ngizinikezela kunhlalakahle yeRiphabhuliki nabo bonke abantu bayo.

(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso sePhini LikaMongameli

2. IPhini LikaMongameli, kufanele lifunge noma liqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo noma kwelinye ijaji elijutshwe nguMongameli

Wenkantolo Yomthethosisekelo ngendlela elandelayo -
Phambi kwabo bonke abantu ababuthene lapha, futhi ngicacelwa kahle ukubaluleka kwesikhundla engibizelwe kuso njengePhini LikaMongameli eRiphabhuliki YaseNingizimu Afrika, mina, A.B., ngiyafunga/ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki yaseNingizimu Afrika, futhi ngizothobela, ngilandele, ngiphakamise futhi ngigcine uMthethosisekelo nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngokuqinisekile nangokuzinikela ngiyethembisa ukuthi ngiyohlala njalo –

- ngiqhubela phambili lokho okuzothuthukisa, futhi ngiphikisa konke okungayikhinyabeza;
- ngingumeluleki weqiniso nowethembekile;
- ngenza imisebenzi yami ngawo wonke amandla namakhono ami ngokwazi kwami okuphelele nekhono lokwenza futhi ngilandela iziyalo zikanembeza wami;
- ngenza ubulungiswa kubo bonke; futhi
- ngizinikezela kunhlalakahle yeRiphabhuliki nabo bonke abantu bayo.

(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso soNgqongqoshe kanye namaPhini Ongqongqoshe

3. UNgqongqoshe ngamunye nePhini Likangqongqoshe ngalinye kufanele afunge aqinisekise, phambi kukaMongameli Wenkantolo Yomthethosisekelo noma elinye ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo -
Mina, A.B., ngiyafunga/ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika futhi ngizothobela ngihloniphe futhi ngiphakamise uMthethosisekelo nayo yonke imithetho yaseRiphabhuliki; futhi ngethembisa ukuphatha isikhundla sami njengoNgqongqoshe / njengePhini LikaNgqongqoshe ngokuhlonipheka nangesithunzi; ukuba ngumeluleki weqiniso nowethembekile; ukungedlulisi ngendlela eqondile noma ecashile noma yiluphi udaba oluyimfihlo engethenjwe ngalo; kanye nokwenza imisebenzi yesikhundla sami ngokuzinikela kanye nangawo wonke amandla enginawo.
(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso samalungu esiGungu Sikazwelonke, izithunywa ezisezikhundleni unomphela zoMkhandlu Wezifundazwe Kazwelonke namalungu ezishayamthetho zezifundazwe

4. (1) Amalungu esiGungu Sikazwelonke, izithunywa ezisezikhundleni unomphela zoMkhandlu Wezifundazwe Kazwelonke namalungu ezishayamthetho zezifundazwe kufanele afunge noma aqinisekise, phambi kukaMongameli Wenkantolo Yomthethosisekelo, noma elinye ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—
Mina, A.B., ngiyafunga/ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika futhi ngizothobela, ngihloniphe futhi ngiphakamise uMthethosisekelo kanye nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngethembisa ngokuqinisekile ukuthi ngizokwenza imisebenzi yami njengelungu lesiGungu Sikazwelonke / njengesithunywa esisesikhundleni unomphela kuMkhandlu Wezifundazwe Kazwelonke /njengelungu lesishayamthetho sesifundazwe sase-C.D. ngawo wonke amandla enginawo.
(Uma kuthathwa isifungo: INkosi ingisize).

(2) Abantu abagcwalisa isikhundla kusiGungu Sikazwelonke, sesithunywa esisesikhundleni umomphela soMkhandlu Wezifundazwe Kazwelonke noma izishayamthetho zezifundazwe bangafunga noma baqinisekise, njengoba kushiwo ku (1), ngaphambi kophethe uhlelo lwePhalamende, lesuGungu, loMkhandlu noma lwesishayamthetho, kuye ngokuthi kugcwaliswa siphi isikhundla.

Izifungo neziqinisekiso zoNdunankulu, amaBamba ONdunankulu namalungu emiKhandlu ePhethe yesifundazwe

5. UNdunankulu noma iBamba likaNdunankulu wesifundazwe, kanye nelungu ngalinye loMkhandlu Ophethe kusifundazwe, kufanele afunge/aqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo noma ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—
Mina, A.B. ngiyafunga/ngiqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki yaseNingizimu Afrika futhi ngizothobela, ngihloniphe futhi ngiphakamise uMthethosisekelo kanye nayo yonke eminye imithetho yeRiphabhuliki; futhi ngiyethembisa ukuphatha isikhundla sami njengoNdunankulu/njengeBamba

LikaNdunankulu/njengelungu loMkhandlu Ophethe wesifundazwe sase C.D. ngokuhlonipheka nangesithunzi; ukuba ngumeluleki weqiniso nowethembekile; ukungedlulisi ngokusobala noma ngendlela ecashile noma yiluphi udaba oluyimfihlo engethenjwe ngalo; nokwenza imisebenzi yesikhundla sami ngokwethembeka nangawo wonke amandla enginawo.
(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso sabenza umsebenzi wezamajaji

6. (1) Ijaji noma ibamba lejaji ngalinye, kufanele lifunge noma liqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo noma ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—
Mina, A.B. ngiyafunga/ngiyaqinisekisa ukuthi, njengejaji leNkantolo YoMthethosisekelo/leNkantolo Enkulu YokwedluliseIwa Kwamacala/leNkantolo Ephakeme/leNkantolo yase E.F, ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika, ngizophakamisa futhi ngivikele uMthethosisekelo namalungelo obuntu atholakala kuwo; futhi ngizokwabela ubulungiswa kubo bonke abantu ngokufana ngaphandle kokwesaba, kokuvuna noma ukukhinyabeza ngokulandela uMthethosisekelo kanye nomthetho.
(Uma kuthathwa isifungo: INkosi ingisize).

(2) Umuntu oqokelwe esikhundleni sokuba yiJaji Elikhulu Lenkantolo YoMthethosisekelo ongelona ijaji ngaleso sikhathi sokuqokelwa esikhundleni, kufanele afunge noma aqinisekise ngaphambi kwePhini Likamongameli Wenkantolo Yomthethosisekelo, noma uma lingekho lelo jaji, phambi kwejaji elikhulu leNkantolo Yomthethosisekelo elitholakalayo.

(3) Abasebenza ezinkantolo zomthetho, kanye namabamba abasebenza ezinkantolo zomthetho, ngaphandle kwamajaji, kufanele bafunge/baqinisekise njengoba kushiwo umthetho kazwelonke.

ISHEDULI 3

INQUBO ELANDELWAYO NGOKHETHO

[Isheduli yesi 3 ichibiyelwe yisigaba sesi 2 soMthetho Wesine Wokuchibiyela uMthethosisekelo we 1999, kanye nayisigaba se 19 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001, nayisigaba sesi-3 soMthetho Wesishiyagalalunye Wokuchibiyela uMthethosisekelo we 2002 kanye nayisigaba soku 1 soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we 2008]

Ingxenye A

Inqubo yokhetho lwabaphathi bezikhundla abahlinzekelwe nguMthethosisekelo

Ukusetshenziswa

1. Inqubo ebekwe kule Sheduli isetshenziswa njalo uma –
   (a) isiGungu Sikazwelonke sihlangana ukuze sikhethe uMongameli, noma uSomlomo noma iPhini LikaSomlomo wesiGungu;
   (b) uMkhandlu Wezifundazwe Kazwelonke uhlangana ukuze ukhethe uSihlalo noma iPhini LikaSihlalo wawo; noma
   (c) isishayamthetho sesifundazwe sihlangana ukuze sikhethe uNdunankulu wesifundazwe noma uSomlomo noma iPhini LikaSomlomo wesishayamthetho.

Ukuphakanyiswa Kwamagama

2. Umuntu ongusihlalo emhlanganweni okusebenza kuwo leSheduli kufanele acele ukuba kuphakanyiswe emhlanganweni abantu abazomela ukhetho.

Okudingekayo okungumthetho

3. (1) Ukuphakanyiswa kwamagama kufanele kenziwe efomini elibekwe yimitheshwana ephawulwe kusi 9.
   (2) Ifomu okuphakanyiswa kulo amagama kufanele lisayinwe –
   (a) ngamalungu amabili esiGungu Sikazwelonke, uma kuzokhethwa uMongameli

noma uSomlomo noma iPhini LikaSomlomo;

(b) egameni lamathimba amabili ezifundazwe, uma kuzokhethwa uSihlalo noma iPhini LikaSihlalo loMkhandlu Wezifundazwe Kazwelonke; noma

(c) ngamalungu amabili esishayamthetho sesifundazwe esifanele, uma kozokhethwa uNdunankulu wesifundazwe noma uSomlomo noma iPhini LikaSomlomo wesishayamthetho.

(3) Umuntu ogama lakhe liphakanyisiwe kufanele akhombise ukusemukela isiphakamiso ngokuthi asayine ifomu lesiphakamiso noma asayine noma yiliphi elinye ifomu lokukhombisa ukwamukela isiphakamiso ngokuthi kubhalwe phansi lokho.

Ukumenyezelwa kwamagama abamele ukhetho

4. Emhlanganweni okusebenza kuwo leSheduli, umuntu owengamele umhlangano kufanele amemezele amagama alabo bantu abaphakanyiswe njengabamele ukhetho, kodwa akanakuyivumela noma iyiphi inkulumompikiswano.

Omele ukhetho eyedwa

5. Uma kuphakanyiswe umuntu oyedwa kuphela, umuntu owengamele umhlangano kufanele amemezele ukuthi lowo muntu ophakanyisiwe ukhethelwe esikhundleni.

Inqubo elandelwayo yokhetho

6. Uma kuphakanyiswe abantu abangaphezulu komuntu oyedwa -

(a) kufanele kuvotwe emhlanganweni ngevoti langasese;

(b) ilungu ngalinye elikhona, noma uma kungumhlangano woMkhandlu Wezifundazwe Kazwelonke, isifundazwe ngasinye esimelwe emhlanganweni, singafaka ivoti elilodwa; futhi

(c) umuntu owengamele kufanele amemezele ukuthi bakhethiwe labo abathole iningi lamavoti.

Inqubo elandelwayo yokuchitha abanye

7. (1) Uma kungekho othola iningi lamavoti, lowo othole amavoti amancane kunabo bonke kufanele achithwe okhethweni, bese kuphindwa kuvotelwa labo abasele

njengoba kushiwo ephuzwini lesi 6. Le nqubo kufanele iphindwe kuze kube nothola iningi lamavoti.

(2) Uma kusetshenziswa iphuzwana loku (1), uma abamele ukukhethwa ababili noma abangaphezulu benamavoti alinganayo amancane kunawabo bonke, kufanele kuvotwe ngokwehlukana kuvotelwa labo bantu, futhi kuphindwe njengoba kudingeka ukuze kucace ukuthi kuchithwa muphi omele ukukhethwa.

Eminye imihlangano

8. (1) Uma kuphakanyiswe abantu ababili kuphela, noma uma kusele ababili kuphela ngemuva kokusetshenziswa kwenqubo yokuchitha, bese labo ababili bethola amavoti inani lamavoti elifanayo, kufanele kubanjwe omunye umhlangano kungakapheli izinsuku eziyisikhombisa, ngesikhathi esinqunywe ngumuntu owengamele.

(2) Uma kubanjwa omunye umhlangano njengokusho kwephuzwana loku (1), inqubo elandelwayo ebekwe kule Sheduli kufanele isetshenziswe kulowo mhlangano sengathi kusengumhlangano wokuqala wokhetho oludingidwayo.

Imitheshwana

9. (1) UMongameli Wenkantolo Yomthethosisekelo kufanele enze imitheshwana ebeka –

(a) inqubo elandelwayo emihlanganweni okusebenza kuyo leSheduli;

(b) imisebenzi yomuntu owengamele kulowo mhlangano, neyanoma yimuphi umuntu omsizayo;

(c) ifomu okufanele kufakwe iziphakamiso kulo; kanye

(d) nendlela okufanele kuvotwe ngayo.

(2) Le mitheshwana kufanele yaziswe ngendlela enqunywe nguMongameli Wenkantolo Yomthethosisekelo abona ngayo.

Ingxenye B

Indlela yokunquma ukuthi amaqembu alibamba kanjani iqhaza kuzithunywa zemiKhandlu Yezifundazwe Kazwelonke

1. Inani lezithunywa lezithunywa eziya kuMkhandlu Wezifundazwe Kazwelonke iqembu ngalinye elinelungelo lokulithola, kufanele liqunywe ngokuthi kuphindaphindwe ngeshumi inani lezihlalo iqembu elinazo kusishayamthetho sesifundazwe bese umphumela wehlukaniswa ngenani lezihlalo kusishayamthetho uhlanganiswe nesihlalo esisodwa.
2. Uma isibalo esenziwe ngokwephuzu loku 1, sinika insalela engangeni kuzithunywa ezinikezwa iqembu elithile njengokusho kwalokho, insalela kufanele iqhathwe nezinsalela ezitholwa ngelinye iqembu noma amanye amaqembu, futhi noma yiziphi izithunywa ezingekabiwa ethimbeni lezithunywa kufanele zabelwe iqembu lelo noma amaqembu lawo ngokulandelana kwensalela ephezulu kunazo zonke.
3. Uma izinsalela ezincintisanayo ezicatshangwa ephuzwini lesi-2 zilingana, izithunywa ezingabiwe kufanele zabelwe iqembu noma amaqembu anensalela efanayo, ngokulandelana kusuka kwanenani lamavoti amaningi kye kwamancane arekhodwe kulawo maqemb ngesikhathi sokugcina sokhetho lwesishayamthetho sesifundazwe esithintekayo.

   [Iphuzu lesi 3 lengezwe yisigaba sesi 2 soMthetho Wesine Wokuchibiyela uMthethosisekelo we 1999 futhi indawo yalo yaphinde yathathwa yisigaba lesi 3 soMthetho Wesishiyagalolunye Wokuchibiyela uMthethosisekelo we 2002 kanye naysigaba lesi 5(a) soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we 2008.]

4. Uma amaqembu angaphezu kwelilodwa anezinsalela ezifanayo ethole amavoti alinganayo ngesikhathi sokhetho lokugcina lwesishayamthetho sesifundazwe esifanele, isishayamthetho esifanele kufanele sabe izithunywa ezingabiwanga kuzithunywa zeqembu noma amaqembu anezinsalela ezifanayo ngendlela ehambisana nentando yeningi.

   [Iphuzu 4 lengezwe yisigaba sesi 5(b) soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we2008.]

ISHEDULI 4

IZINDAWO OKUSETSHENZISWA KUZO AMANDLA OKUSHAYA UMTHETHO KAZWELONKE NOWEZIFUNDAZWE

INGXENYE A

- Ukulawulwa kwamahlathi emvelo
- Ezolimo
- Izikhumulo zezindiza ngaphandle kwezikhumulo zezindiza zamazwe ngamazwe nezikazwelonke
- Ukulawulwa kwezilwane nezifo
- Amakhasino, imijaho, ukugembula nokubheja, ngaphandle kwamalotho nemihlanganyela yezemidlalo
- Ukuvikelwa kwabathengi
- Izindaba zezamasiko
- Ukulawulwa kwezinhlekelele
- Imfundo kuyo yonke imikhakha, ngaphandle kwemfundo ephakeme
- Indawo okuphilwa kuyo
- Ezempilo
- Ezezindlu
- Umthetho wendabuko kanye nomthetho wamasiko, okuphethwe yiSahluko se 12 soMthethosisekelo
- Ukuqhutshekiselwa phambili kwezezimboni
- Inqubomgomo yezilimi kanye nokulawulwa ngokomthetho kwezilimi ezisemthethweni kangangoba imibandela yesigaba sesi-6 soMthethosisekelo sinika ngokucacile izishayamthetho zezifundazwe amandla okushaya umthetho mayelana nalokhu
- Ezokusakazwa kolwazi ezilawulwa ngqo noma ezihlinzekwa nguhulumeni wesifundazwe, ngokuphathwa yisigaba se-192
- Ukuvikelwa kwemvelo, ngaphandle kwamapaki kazwelonke, izingadi zezitshalo zikazwelonke kanye nengcebo yasolwandle
- Amaphoyisa kangangoba imibandela yeSahluko se-11 soMthethosisekelo sinikeza

izishayamthetho zezifundazwe amandla okushaya imithetho mayelana nalokhu

- Ukulawulwa kokunukubezeka kwemvelo
- Ukuthuthukiswa kwabantu
- Izimali zokwedlulisa ubunikazi bempahla
- Izinkampani noma imisebenzi kahulumeni wesifundazwe mayelana nezindawo okusetshenzwa kuzo ezikule Sheduli nakuSheduli se-5
- Izinto zokuhamba zomphakathi
- Imisebenzi yomphakathi kuphela mayelana nezidingo zeminyango kahulumeni wesifundazwe, ekwenzeni imisebenzi yayo yokulawula imisebenzi enikezelwe yona ngokoMthethosisekelo noma nanoma yimuphi omunye umthetho
- Ukuhlelelwa nokuthuthukiswa kwezifunda
- Ukulawulwa kwezinto ezihamba emigwaqweni
- Ukungiwa kwenhlabathi
- Ezokuvakasha
- Uhwebo
- Ubuholi bendabuko kuphela uma kuhambisana neSahluko se-12 soMthethosisekelo
- Ukuthuthukiswa kwezindawo ezisemadolobheni nezasemakhaya
- Ukuthelelwa kwezinqola zokuhamba
- Ezenhlalakahle

INGXENYE B

Izindaba zikahulumeni wendawo ezilandelayo kangangoba kubekwe esigabeni se 155(6)(a) nesesi (7);

- Ukunukubezeka komoya
- Imitheshwana elawula ukwakha
- Izindawo zokunakekela izingane
- Ukutholakala kukagesi kanye negesi
- Ezokucishwa kwemililo
- Ezokuvakasha zendawo
- Izikhumulo zikamasipala zezindiza
- Ukuhlelwa kukamasipala
- Ezempilo zikamasipala

- Izinto zokuhamba umphakathi zikamasipala
- Imisebenzi yomphakathi eyenziwa ngumasipala kuphela mayelana nezidingo umasipala ahlangabezana nazo ekwenzeni umsebenzi wokulawula imisebenzi enikezelwe ngqo kuye ngaphansi kwalo Mthethosisekelo noma kwanoma yimuphi omunye umthetho
- Isikejana esisetshenziswa uma kudingeka ukuntanta emanzini, isikejana sokuthutha abantu nezimpahla emanzini, izakhiwo ezenziwe ogwini zokuhamba abantu kanye namatheku, ngaphandle kokulawulwa kokuthutha kwezinto olwandle kwamazwe ngamazwe kanye nakuzwelonke nemidanti encikene nakho
- Ukulawulwa kwamanzi emvula ezindaweni okwakhiwe kuzo
- Imitheshwana elawula uhwebo
- Izinsizo zamanzi nokuthuthwa kwendle kusiwe ezinhlelweni zokuthwala amanzi aphuzwayo kanye nasezinhlelweni zokuqoqwa kwamanzi angcolile nezokulahlwa kwendle emakhaya

ISHEDULI 5

IZINDAWO OKUSETSHENZWA KUZO EZISHAYELWA IMITHETHO YISIFUNDAZWE KUPHELA

INGXENYE A

- Amadele
- Ama-ambulense
- Izikhungo zokugcinwa kwemilando okungezona izikhungo zokugcina imilando zikazwelonke
- Imitapo yezincwadi okungeyona imitapo yezincwadi kazwelonke
- Amalayisense otshwala
- Amamnyuziyamu okungewona amamnyuziyamu kazwelonke
- Ukuhlelwa kwesifundazwe
- Izindaba zesifundazwe eziphathelene namasiko
- Ukuzijabulisa kanye nezindawo zokuzijabulisa zesifundazwe
- Ezemidlalo zesifundazwe
- Imigwaqo yesifundazwe nokuhamba kuyo
- Ezokwelashwa kwezilwane, ngaphandle kokulawulwa kwalowo msebenzi

INGXENYE B

Izindaba ezilandelayo zikahulumeni wasekhaya njengangoba zibekelwe izifundazwe esigabeni se 155(6)(a) nesesi (7):

- Amabhishi kanye nezinto zokuzijabulisa
- Izinqwembe ezinkulu zokwazisa kanye nokukhonjiswa kwezikhangiso ezindaweni zomphakathi
- Amathuna, amakhaza nezindawo zokushisa izidumbu
- Ukuhlanza
- Ukulawula uthikamezo lomphakathi
- Ukulawulwa kwezindawo ezithengisela umphakathi utshwala
- Izindawo zokugcina, zokunakekela kanye nokungcwaba izilwane
- Ukubiyela kanye nezinto zokubiyela

- Ukuthelelwa kwezinja
- Ukuthelelwa kanye nokulawulwa kwezindawo ezidayisela umphakathi ukudla
- Izikhungo zokusiza umphakathi ezisendaweni
- Izikhungo zemidlalo ezisendaweni
- Izimakethe
- Amadele kamasipala
- Amapaki kamasipala nezokuzijabulisa
- Imigwaqo kamasipala
- Ukunukubeza ngokubanga umsindo
- Izindawo zokugcina izinto ezephucwe emphakathini
- Izindawo zomphakathi
- Ukuthuthwa kukadoti, izindawo zokulahla udoti kanye nokulahlwa kwemfucuza eqinile
- Ukudayisa emigwaqeni
- Ukukhanyiswa kwemigwaqo
- Ukusetshenziswa kwemigwaqo nezindawo zokupaka

ISHEDULI 6

AMALUNGISELELO ESIKHASHANA

[Isheduli yesi 6 ichibiyelwe yisigaba sesi 3 soMthetho Wokuqala Wokuchibiyela uMthethosisekelo we 1997, nayisigaba sesi 5 soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998 kanye nayisigaba sama 20 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

Izincazelo

1. Kule Sheduli, ngaphandle kwalapho kungahambisani nesimo—

"isabelo" kushiwo ingxenye yeRiphabhuliki, eyayithathwa njengendawo ezimele noma ezibusayo ngomthetho waseNingizimu Afrika, ngaphambi kokuthi uMthethosisekelo wangaphambili uqale ukusebenza;

"uMthethosisekelo omusha" kushiwo uMthethosisekelo weRiphabhuliki YaseNingizimu Afrika we 1996;

"imithetho yohlelo oludala" kushiwo imithetho eyashaywa ngaphambi kokuba uMthethosisekelo ongaphambi kwalo uqale ukusebenza;

"UMthethosisekelo owandulela lo" kushiwo uMthethosisekelo weRiphabhuliki YaseNingizimu Afrika, we 1993,(uMthetho wama 200 we 1993).

Ukuqhubeka kwemithetho esikhona

2. (1) Wonke umthetho owawusebenza uma uMthethosisekelo omusha uqala ukusebenza uyaqhubeka nokusebenza, kodwa kuye ngokuthi –
   (a) uchishiyelwe noma ususiwe yini; kanye
   (b) nokuhambisana noMthethosisekelo omusha.
   (2) Umthetho wohlelo oludala oqhubeka ukusebenza ngokwephuzwana loku 1 –
   (a) awunakusetshenziswa okubanzi, ngokwendawo nangayiphi enye indlela, kunngesikhathi sangaphambili kokuthi uMthethosisekelo ongaphambi kwalona uqale ukusebenza ngaphandle kwalapho uye waguqulwa ukuze usebenze kabanzana; futhi
   (b) Uyaqhubeka nokuphathwa yilezo ziphathimandla ezaziwuphethe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, ngendlela ephawulwe nguMthethosisekelo omusha.

Ukuhunyushwa komthetho okhona

3. (1) Ngaphandle kwalapho kungahambisani nalokho okuhlosiwe noma ngokucacile okungafanele, okushiwo kunoma yimuphi umthetho owawukhona lapho uMthethosisekelo omusha uqala ukusebenza –

(a) kuRiphabhuliki yaseNingizimu Afrika noma ngesabelo(ngaphandle kwalapho ukhuluma ngendawo engeyabathile), kufanele kuthathwe ngokuthi ukhuluma ngeRiphabhuliki yaseNingizimu Afrika ngaphansi koMthethosisekelo omusha;

(b) kuPhalamende, esiGungwini Sikazwelonke noma eMkhandlwini weziGele kufanele kuthathwe ngokuthi usho iPhalamende, isiGungu Sikazwelonke noma uMkhandlu Wezifundazwe Kazwelonke ngaphansi koMthethosisekelo omusha;

(c) kuMongameli, iPhini Eliphethe LikaMongameli, uNgqongqoshe, iPhini LikaNgqongqoshe noma iKhabhinethi, kufanele kuthathwe ngokuthi ukhuluma ngoMongameli, iPhini LikaMongameli, uNgqongqoshe, iPhini LikaNgqongqoshe noma iKhabhinethi ngaphansi koMthethosisekelo omusha, kulawulwe yiphuzu lesi 9 lale Sheduli;

(d) kuMongameli Womkhandlu Wezigele, kufanele kuthathwe ngokuthi ukhuluma ngoSihlalo woMkhandlu Wezifundazwe Kazwelonke;

(e) kusishayamthetho sesifundazwe, uNdunankulu, uMkhandlu noma ilungu loMkhandlu Omkhulu wesifundazwe kufanele kuthathwe ngokuthi ukhuluma ngesishayamthetho sesifundazwe, uNdunankulu, uMkhandlu Omkhulu noma ilungu loMkhandlu Omkhulu ngaphansi koMthethosisekelo omusha, kulawulwe yiphuzu u 12 lale Sheduli; noma

(f) ngolimi noma izilimi ezisemthethweni, kufanele kuthathwe ngokuthi ukhuluma nganoma yiluphi ulimi olusemthethweni ngaphansi koMthethosisekelo omusha.

(2) Ngaphandle uma kungahambisani nokuhlosiwe noma kungafanele ngokucacileyo, okushiwoyo kunoma yimuphi umthetho wohlelo lwakudala –

(a) kuPhalamende, eNdlini yePhalamende noma umkhandlu wokushaya imithetho, noma inhlangano yeRiphabhuliki noma yesabelo, kufanele kuthathwe ngokuthi ukhuluma –

(i) ngePhalamende ngaphansi koMthethosisekelo omusha, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe ngokoMthethosisekelo ongaphambi kwalona noma le Sheduli

emkhandlwini ophethe kazwelonke; noma

(ii) ngesishayamthetho sesifundazwe, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe, ngokoMthethosisekelo ongaphambi kwalona noma kwale Sheduli emkhandlwini ophethe wesifundazwe; noma

(b) kuMongameli Wezwe, uNgqongqoshe oMkhulu, uMlawuli noma omunye umphathi omkhulu, iKhabhinethi, uMkhandlu WoNgqongqoshe noma umkhandlu ophethe weRiphabhuliki noma wesabelo, kufanele kuthathwe ngokuthi kukhulunywa–

(i) ngoMongameli ngaphansi komthethosisekelo omusha, uma ukuphathwa kwalo mthetho kwabelwe noma kunikezelwe ngokoMthethosisekelo ongaphambi kwalona noma ngokwale Sheduli emkhandlwini ophethe kazwelonke; noma

(ii) ngoNdunankulu wesifundazwe ngaphansi koMthethosisekelo omusha, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe ngokoMthethosisekelo ongaphambi kwalona noma ngokwale Sheduli emkhandlwini ophethe wesifundazwe.

Isigungu Sikazwelonke

4. (1) Noma yimuphi umuntu owabe eyilungu noma owabe esesikhundleni sesiGungu Sikazwelonke lapho uMthethosisekelo omusha uqala ukusebenza, uba yilungu noma umphathisikhundla esiGungwini Sikazwelonke ngaphansi koMthethosisekelo omusha, futhi uphatha isikhundla njengelungu noma umphathisikhundla ngokoMthethosisekelo omusha.

(2) IsiGungu Sikazwelonke njengoba sakhiwe ngokwephuzwana loku (1), kufanele sithathwe ngokuthi singokhethwe ngaphansi koMthethosisekelo omusha sikhethelwa isikhathi esiphela mhla zi 30 Ephreli 1999.

(3) IsiGungu Sikazwelonke sakhiwe ngamalungu angama 400 esikhathini esiphela mhla zi 30 Ephreli 1999, kuye ngesigaba sama 49(4) soMthethosisekelo omusha.

(4) Imitheshwana nemiyalo yesiGungu Sikazwelonke ebisebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza, iyaqhubeka nokusebenza, kodwa kuye ngokuchibiyela noma yikuphi noma ukupheliswa.

Umsebenzi ongaqedwanga ophambi kwePhalamende

5. (1) Noma yimuphi umsebenzi ongaphelile phambi kwePhalamende lapho uMthethosisekelo omusha uqala ukusebenza kufanele uqhutshekwe ngokoMthethosisekelo omusha.

(2) Noma yimuphi umsebenzi ongaphelile phambi kweziGele lapho uMthethosisekelo omusha uqala ukusebenza kufanele uyiswe kuMkhandlu Wezifundazwe Kazwelonke, futhi uMkhandlu kufanele uqhubeke nalowo msebenzi ngokoMthethosisekelo omusha.

Ukukhethwa kwesigungu Sikazwelonke

6. (1) Kungebanjwe ukhetho lesiGungu Sikazwelonke ngaphambi kwamhla zi 30 Ephreli 1999 ngaphandle kwalapho uMkhandlu uhlakazwa njengokubeka kwesigaba sama 50(2) ngemuva kokuthathwa kwesinqumo sokungamethembi uMongameli ngokwesigaba se 102(2) soMthethosisekelo omusha.

(2) Isigaba sama 50(1) soMthethosisekelo omusha siyalengiswa kuze kube mhla zi 30 Ephreli 1999.

(3) Ngaphandle kokupheliswa koMthethosisekelo ongaphambi kwalona, iSheduli yesi-2 yalowo Mthethosisekelo, njengoba ichitshiyelwe yisijobelelo A sale Sheduli, iyasebenza –

(a) okhethweni lokuqala lesigungu Sikazwelonke ngaphansi koMthethosisekelo omusha;

(b) ekulahlekelweni ubulungu besiGungu ezimweni ezingaphandle kwezihlinzekelwe esigabeni sama 47(3) soMthethosisekelo omusha; kanye

(c) nasekugcwaliseni izikhala esiGungwini, nokugcwaliselwa, ukuhlolwa kabusha, nokusetshenziswa kwezinhla zeqembu ukuze kugcwaliswe izikhala, kuze kube ukhetho lwesibili lesiGungu ngaphansi koMthethosisekelo omusha.

(4) Isigaba sama 47(4) soMthethosisekelo omusha siyalengiswa kuze kube wukhetho lwesibili lesigungu Sikazwelonke ngaphansi koMthethosisekelo omusha.

UMkhandlu Wezifundazwe Kazwelonke

7. (1) Esikhathini esiphela masishane ngaphambi kokuhlala komhlangano wokuqala wesishayamthetho sesifundazwe obanjwe ngemuva kokhetho lwaso lokuqala

ngaphansi koMthethosisekelo omusha –

(a) ubungako bokumelwa yizithunywa ezimele amaqembu ethimbeni lezithunywa lesifundazwe eMkhandlwini Wezifundazwe Kazwelonke kufanele kufane nobungako bezigele eziyi 10 zesifundazwe ezaziphakanyiswe ngokwesigaba 48 soMthethosisekelo ongaphambi kwalona; futhi

(b) ukwabelwa kwezithunywa ezisezikhundleni unomphela kanye nezithunywa ezikhethekile emaqenjini amelwe kusishayamthetho sesifundazwe, kunjengokulandelayo -

ISIFUNDAZWE	IZITHUNYWA EZISESIKHUNDLENI UNOMPHELA	IZITHUNYWA EZIKHETHEKILE
1. IMpumalanga Kapa	ANC 5 NP 1	ANC 4
2. IFreyistata	ANC 4 FF 1 NP 1	ANC 4
3. IGauteng	ANC 3 DP 1 FF 1 NP 1	ANC 3 NP 1
4.KwaZulu-Natali	ANC 1 FF 1 IFP 3 NP 1	ANC 2 IFP 2
5. IMpumalanga	ANC 4 FF 1 NP 1	ANC 4
6. INyakatho Kapa	ANC 3 FF 1 NP 2	ANC 2 NP 2
7. ILimpopo	ANC 6	ANC 4

ISIFUNDAZWE	IZITHUNYWA EZISESIKHUNDLENI UNOMPHELA	IZITHUNYWA EZIKHETHEKILE
8. Inyakatho-Ntsho-nalanga	ANC 4 FF 1 NP 1	ANC 4
9. INtshonalanga Kapa	ANC 2 DP 1 NP 3	ANC 1 NP 3

(2) Iqembu elimelwe kusishayamthetho sesifundazwe –

(a) kufanele liphakamise izithunywa zalo ezisesikhundleni unomphela phakathi kwabantu ababeyizigele lapho uMthethosisekelo omusha uqala ukusebenza futhi abangabakhona ukuze basebenze njengezithunywa ezisezikhundleni unomphela; futhi

(b) lingaphakamisa abanye abantu njengezithunywa ezisesikhundleni unomphela kuphela uma kungekho noma kutholakala inani elingenele lababeyizigele zalo alanele.

(3) Isishayamthetho sesifundazwe kufanele siqokele esikhundleni izithunywa zaso ezisesikhundleni unomphela ngokuhambisana namagama aphakanyiswe ngamaqembu.

(4) Iphuzwana lesi (2) nelesi (3), asebenza kuphela ekuqokweni kokuqala kwezithunywa ezisesikhundleni unomphela zoMkhandlu Wezifundazwe Kazwelonke.

(5) Isigaba sama 62(1) soMthethosisekelo omusha asisebenzi ekuphakanyisweni kwamagama nasekuqokelweni esikhundleni kwababeyizigele njengezithunywa ezisesikhundleni unomphela ngokwaleli phuzu.

(6) Imithethwana nemiyalo yeziGele ebisebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza, kufanele isetshenziswe mayelana nemisebenzi yoMkhandlu kaZwelonke kangangoba ingasetshenziswa, kuye nganoma yikuphi ukuchiyelwa noma ukuchithwa.

Ababeyizigele

8. (1) Owayeyisigele ongaqokelwanga ukuba yisithunywa esisesikhundleni unomphela eMkhandlwini Wezifundazwe Kazwelonke unelungelo lokuba yilungu eliphelele elingavota lesishayamthetho sesifundazwe leso ayephakanyiswe kuso njengesigele ngokwesigaba sama 48 somthethosisekelo wangaphambili.

(2) Uma owayeyisigele ekhetha ukungabi yilungu lesishayamthetho sesifundazwe lowo muntu uthathwa ngokuthi wesulile esikhundleni sokuba yisigele ngosuku olwendulela uMthethosisekelo omusha oqale ngalo ukusebenza.

(3) Iholo, izibonelelo, kanye nezinzuzo zowayeyisigele oqokelwe esikhundleni sokuba yisithunywa esisesikhundleni unomphela noma njengelungu lesishayamthetho sesifundazwe azinakuncishiswa ngenxa yokuqokwa lokho.

UMkhandlu Ophethe

9. (1) Noma yimuphi umuntu owayenguMongameli, iPhini LikaMongameli Eliphethe, uNgqongqoshe noma iPhini LikaNgqongqoshe ngaphansi koMthethosisekelo owendulela lona, ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka kuleso sikhundla ngokoMthethosisekelo omusha, kodwa ngokulandela okushiwo ephuzwaneni lesi (2).

(2) Kuze kube mhla zi 30 Ephreli 1999, izigatshana esama 84, sama 89, sama 90, sama 91, sama 93, nesama 96 zoMthethosisekelo omusha kufanele zifundwe sengathi zibhalwe kusiJobelelo B sale Sheduli.

(3) Iphuzwana loku (2), alimvimbeli uNgqongqoshe owayeyisigele ngesikhathi uMthethosisekelo omusha uqala ukusebenza ekubeni aqhubeke njengoNgqongqoshe ophawulwe esigabeni sama 91(1)(a) soMthethosisekelo omusha, njengoba leso sigaba sisho kusiJobelelo B.

Izishayamthetho zezifundazwe

10. (1) Noma ngubani owayeyilungu noma eyilungu loMkhandlu Ophethe wesifundazwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka nokuba yilungu noma umphathisikhundla wesishayamthetho saleso sifundazwe ngaphansi koMthethosisekelo omusha, futhi uba sesikhundleni njengelungu noma njengomphathisikhundla ngokoMthethosisekelo omusha kanye nanoma yimuphi

umthethosisekelo wesifundazwe ongaba khona.

(2) Isishayamthetho sesifundazwe njengoba sakhiwe ngokwephuzwana sesi (1), kufanele sithathwe ngokuthi sakhethwa ngaphansi koMthethosisekelo omusha sikhethelwa isikhathi esiphela mhla zi 30 Ephreli 1999.

(3) Kuze kube ngukuphela kwesikhathi sesishayamthetho wesifundazwe mhla zi 30 Ephreli 1999, futhi kunakwe okushiwo esigabeni 108(4), isishayamthetho sesifundazwe sakhiwa yinani lamalungu elinqunyelwe leso sishayamthetho ngaphansi koMthethosisekelo owendulela lona kanye nenani lababeyizigele ababangamalungu esishayamthetho ngokwephuzu lesi 8 lale Sheduli.

(4) Imitheshwana nemiyalo yesishayamthetho sesifundazwe ebisebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza iyaqhubeka nokusebenza, kuye nganoma yikuphi ukuchibiyelwa noms ukuphelisiwa.

Ukhetho lwezishayamthetho zezifundazwe

11. (1) Yize uphelisiwe uMthethosisekelo wangaphambili, iSheduli yesi 2 yalowo Mthethosisekelo, njengoba iguqulwe yisiJobelelo A saleyo Sheduli, iyasebenza –

(a) okhethweni lokuqala lwesishayamthetho sesifundazwe ngaphansi koMthethosisekelo omusha;

(b) ekulahlekelweni ngubulungu besishayamthetho ezimweni ezingezona ezihlinzekelwe yisigaba se 106(3) soMthethosisekelo omusha; kanye

(c) nasekugcwaliseni izikhala kusishayamthetho, kanye nokutha indawo, ukubheka kabusha, nokusetshenziswa kwezinhla zamaqembu ukuze kugcwaliswe izikhala, kuze kube yisikhathi sokhetho lwesibili lwesishayamthetho ngaphansi koMthethosisekelo omusha.

(2) Isigaba se 106(4) soMthethosisekelo omusha siyalengiswa mayelana nesishayamthetho sesifundazwe kuze kube ukhetho lwesibili lwesishayamthetho ngaphansi koMthethosisekelo omusha.

Abaphethe izifundazwe

12. (1) Noma yimuphi umuntu owayenguNdunankulu noma ilungu loMkhandlu OPhethe wesifundazwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka futhi aphathe leso sikhundla ngokoMthethosisekelo omusha kanye nangokomthethosisekelo wesifundazwe ongabekwa, kodwa ngokuhambisana

nephuzwana lesi (2).

(2) Kuze kube uthathe isikhundla ngaphansi koMthethosisekelo omusha uNdunankulu okhethwe ngemuva kokhetho lokuqala lwesifundazwe, noma isifundazwe size sizishayele umthethosisekelo waso, lokho okwenzeka kuqala kunokunye, isigaba se 132 nese 136 zoMthethosisekelo omusha kufanele zithathwe njengoba zibekwe kusiJobelelo C sale Sheduli.

Imithethosisekelo yezifundazwe

13. Umthethosisekelo owamukelwe ngaphambi kokuthi uMthethosisekelo omusha uqale ukusebenza kufanele ulandele isigaba se 143 soMthethosisekelo omusha.

Ukunikezelwa kwemithetho ezifundazweni

14. (1) Imithetho ephathelene nodaba oluphakathi kwemisebenzi eyenziwayo ebalwe ohlwini olukuSheduli yesi 4 noma yesi 5 yoMthethosisekelo omusha, ngesikhathu uMthethosisekelo omusha uqala ukusebenza, yayiphethwe yisiphathimandla phakathi komkhandlu ophethe, inganikezelwa nguMongameli, ngokwenza isimemezelo, esiya kusiphathimandla esiphakathi kwabaphethe esifundazweni esiqokwe uMkhandlu Ophethe wesifundazwe.

(2) Kuze kufike ekutheni kunesidingo sokuthi kunikezelwe umthetho ngaphansi kwephuzwana loku (1), uMongameli, ngokusebenzisa isimemezelo –

(a) angachibiyela noma aphendule umthetho ukuze alawule ukuhunyushwa noma ukusebenza kwawo;

(b) lapho ukunikezelwa komthetho kungasebenzi kuyo yonke ingxenye yanoma yimuphi umthetho, angawususa bese ewushaya kabusha, ube noma ungabi nokucuchibiyela noma ukuphendulwa okuphawulwe endimeni (a), lezo zimiso okusebenza kuzo ukunikezelwa noma kugcine lapho ukunikezelwa kusebenza khona kuzo; noma

(c) angalawula noma yiluphi olunye udaba okunesidingo sokuthi lulawulwe ngenxa yaloku kunikezelwa, kumbandakanya ukwedluliselwa noma ukwebolekisa ngabasebenzi, noma ukwedluliselwa kwempahla, izikweletu, amalungelo kanye nezibopho, eziya noma ezivela kubaphathi bakazwelonke noma besifundazwe noma kunoma yimuphi umnyango kahulumeni, ukuphathwa, ezokuphepha noma iyiphi enye inhlangano.

(3) (a) Ikhophi yesimemezelo ngasinye esikhishwe ngokuku (1) noma kwesi (2), kufanele inikezwe isiGungu Sikazwelonke kanye noMkhandlu Kazwelonke Wezifundazwe kungakapheli izinsuku eziyi 10 kushicilelwe isimemezelo.

(b) Uma kokubili isiGungu Sikazwelonke kanye noMkhandlu Ophethe ngesinqumo ingasivumeli isimemezelo noma yinoma yisiphi isimiso saso, leso simemezelo noma isimiso siphelelwa yisikhathi, kodwa ngaphandle kokuthikameza –

(i) ukuba semthethweni kwanoma yini eyenziwe ngokwesimemezelo noma isimiso singakaphelelwa isikhathi; noma

(ii) ilungelo noma isibonelelo esitholiwe noma isibopho noma isikweletu esivele ngaphambi kokuba isimiso siphelelwe isikhathi.

(4) Uma umthetho unikezelwe ngokwephuzwana loku (1), noma yikuphi okushiwoyo emthethweni kusiphathimandla esiwuphethe, kufanele kuthathwe ngokuthi kubhekiswe kusiphathimandla esiwunikezelwe.

(5) Noma yikuphi ukunikezelwa komthetho ngaphansi kwesigaba sama235(8) soMthethosisekelo wangaphambili, kumbandakanya noma iyiphi ukuchibiyelwa, ukuphendulwa noma ukupheliswa nokushaywa kabusha kwanoma yimuphi umthetho kanye nanoma yisiphi esinye isinyathelo esithathwe ngaphansi kwaleso sigaba, kuthathwa ngokuthi kwenziwe ngaphansi kwalesi sigaba.

Imithetho esekhona engaphandle kwamandla okushaya umthetho ePhalamende

15. (1) Isiphathimandla phakathi kwabaphethe kuzwelonke esengamele noma yimuphi umthetho owela ngaphandle kwamandla ePhalamende okushaya imithetho ngesikhathi uMthethosisekelo omusha uqala ukusebenza, sihlala sinamandla okwengamela lowo mthetho uze unikezwe isiphathimandla esiphakathi kwabaphethe isifundazwe ngokwephuzu le 14 lale Sheduli.

(2) Iphuzwana loku (1), liyeka ukusebenza ngemuva kweminyaka emibili uMthethosisekelo omusha uqale ukusebenza.

Izinkantolo

16. (1) Zonke izinkantolo, kumbandakanya nezinkantolo zabaholi bendabuko, ezazikhona ngesikhathi uMthethosisekelo omusha uqala ukusebenza, ziyaqhubeka

nokusebenza nokusebenzisa amandla eziwanikwa yimithetho ezithintayo, futhi noma ngubani ophethe isikhundla njengowenza umsebenzi wezamajaji uyaqhubeka asiphethe leso sikhundla ngokomthetho osebenzayo kuleso sikhundla, kuye –

(a) noma yikuphi ukuchibiyelwa noma ukupheliswa kwalowo mthetho; kanye

(b) nokuhambisana noMthethosisekelo omusha.

(2) (a) Inkantolo yoMthethosisekelo emiswe nguMthethosisekelo wangaphambili iba yiNkantolo yoMthethosisekelo ngaphansi koMthethosisekelo omusha.

(b) …….

[Iphuzwana (b) licishwe yisigaba sama 20(a) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

(3) (a) INgxenye Yokwedlulisela Amacala yeNkantolo eNkulu yaseNingizimu Afrika iba yiNkantolo Enkulu yokwedlulisela amacala ngaphansi koMthethosisekelo omusha.

(b) ……

[Iphuzwana (b) licishwe yisigaba sama 20(a) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

(4) (a) Ingxenye yesifundazwe noma yendawo yeNkantolo Enkulu yaseNingizimu Afrika noma inkantolo enkulu yesabelo noma ingxenye eyejwayelekile yenkantolo enjenga lena, iba yiNkantolo Ephakeme ngaphansi koMthethosisekelo omusha kungazange kuguqulwe lutho mayelana namandla ayo, kube kunakekelwe ukudidiyelwa okucatshangwa ephuzwaneni lesi (6).

(b) Noma yimuphi umuntu ophethe isikhundla noma othathwa njengosiphethe njengeJaji elinguMongameli, iPhini Lejaji Elingumongameli noma ijaji lenkantolo okukhulunywe ngalo endimeni (a), uma uMthethosisekelo omusha uqala ukusebenza, uba yiJaji elinguMongameli, iPhini Lejaji Elingumongameli noma yijaji lenkantolo efana nalena ngaphansi koMthethosisekelo omusha, kunakekelwe ukudidiyelwa okucatshangwa ephuzwaneni lesi (6).

(5) Ngaphandle kwalapho kungahambisani nesimo noma ngokucacile kungafanele, uma umthetho noma okwenziwayo kukhuluma –

(a) ngeNkantolo yoMthethosisekelo ngaphansi koMthethosisekelo owandulela lona, kufanele kuthathwe njengothi kusho iNkantolo yoMthethosisekelo

ngaphansi koMthethosiselo omusha;

(b) ngeNgxenye Yokwedlulisela Amacala Yenkantolo Enkulu yaseNingizimu Afrika, kufanele ithathwe njengesho iNkantolo eNkulu Yokwedluliselwa Kwamacala; kanye

(c) neNgxenye yesifundazwe noma yendawo yeNkantolo Enkulu yaseNingizimu Afrika noma inkantolo enkulu yesabelo noma ingxenye eyejwayelekile yaleyo nkantolo, kufanele ithathwe njengesho iNkantolo ePhakeme.

(6) (a) Ngokushesha okungase kwenzeke ngemuva kokuthi uMthethosisekelo omusha uqalile ukusebenza zonke izinkantolo, kumbandakanya isakhiwo sazo, ukukwakheka kwazo, ukusebenza kanye namandla azo, kanye nayo yonke imithetho ethintekayo, kufanele ididiyelwe ngenhloso yokumisa uhlelo lwezinkantolo oluhambisana nezidingo zoMthethosisekelo omusha.

(b) Ilungu leKhabhinethi elibhekene nokulawulwa kwezobulungiswa, ngemuva kokubonisana neKhomishani Yezemisebenzi Yezinkantolo, kufanele liphathe ukudidiyelwa okucatshangwa endimeni (a).

(7) (a) Noma ngubani osesikhundleni, lapho uMthetho Wokuchibiyelwa koMthethosisekelo waseNingizimu Afrika we 2001 uqala ukusebenza -

(i) njengoMongameli Wenkantolo Yomthethosisekelo, uba yiJaji Elikhulu njengoba kucatshangwa esigabeni se 167(1) soMthethosisekelo omusha;

(ii) njengePhini Likamongameli Wenkantolo Yomthethosisekelo, uba yiPhini Lejaji Elikhulu njengoba kucatshangwa esigabeni se 167(1) soMthethosisekelo omusha.

(iii) njengeJaji Elikhulu, uba nguMongameli wenkantolo Enkulu Yokwedluliselwa Kwamacala njengoba kucatshangwa esigabeni se 168(1)soMthethosisekelo omusha; futhi

(iv) njengePhini Lejaji Elikhulu, uba yiPhini Likamongameli Wenkantolo Enkulu Yokwedluliselwa Kwamacala njengoba kucatshangwa esigabeni se 168(1) soMthethosisekelo omusha.

(b) Yonke imithetho nemitheshwana noma ukuyalela okwenziwe nguMongameli Wenkantolo Yomthethosisekelo noma yiJaji Elikhulu esebenzayo ngaphambili nje kokuba uMthetho Wokuchibiyelwa koMthethosisekelo waseNingizimu Afrika we 2001, uqale ukusebenza, iyaqhubeka isebenze ize ipheliswe noma iguqulwe.

(c) Ngaphandle kwalapho kungahambisani nesimo noma ngokucacile

kungafanele, ukubhekiswa okukunoma yimuphi umthetho noma okwenziwayo okukhuluma ngeJaji Elikhulu noma ngoMongameli Wenkantolo yoMthethosisekelo, kufanele kuthathwe njengokubhekisa eJajini Elikhulu njengoba kucatshangwa esigabeni se 167(1) soMthethosisekelo omusha.

[Iphuzwana lesi (7) lingezwe yisigaba sama 20(b) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

Amacala asalindwe phambi kwezinkantolo

17. Onke amacala abesephambi kwenkantolo ngesikhathi uMthethosisekelo omusha uqala ukusebenza, kufanele edluliswe sengathi uMthethosisekelo omusha awuzange ube khona, ngaphandle kwalapho izidingo zobulungiswa zimisa ukuthi kungabi njalo.

Isiphathimandla sokushushisa

18. (1) Isigaba se 108 soMthethosisekelo owandulela lona siyaqhubeka nokusebenza kuze kuqale ukusebenza uMthetho Wephalamende ocatshangwa yisigaba se 179 soMthethosisekelo omusha. Leli phuzwana alithikamezi ukuqokelwa esikhundleni koMqondisi Kazwelonke Wezokushushisa Komphakathi ngokwesigaba se 179.

(2) Umshushisi omkhulu ophethe isikhundla ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka nokusebenza ngokomthetho osetshenziswa kuleso sikhundla, kunakwe iphuzwana loku (1).

Izifungo neziqinisekiso

19. Umuntu oqhubekayo esesikhundleni ngokwale Sheduli futhi othathe isifungo noma owenze isiqinisekiso uma ethatha isikhundla, ngaphansi koMthethosisekelo owandulela lona, akaphoqelekile ukuthi aphinde athathe isifungo sesikhundla noma isiqinisekiso ngaphansi koMthethosisekelo omusha.

Ezinye izikhungo zomthethosisekelo

20. (1) Kulesi sigaba uma kuthiwa "izikhungo zomthethosisekelo" kushiwo –

(a) uMvikeli Womphakathi;

(b) iKhomishani Yamalungelo Esintu;

[Indima (b) ichibiyelwe yisigaba sesi 4 soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

(c) IKhomishani Yokulingana Ngokobulili;
(d) uMcubunguli-Mabhuku oMkhulu Wezimali Zombuso;
(e) iBhange Elikhulu LaseNingizimu Afrika;
(f) iKhomishani Yezezimali Neyesikhwama Sombuso;
(g) iKhomishani Yezokuphathwa Kwezobulungiswa; noma
(h) iBhodi Yezilimi Zonke ZaseNingizimu Afrika.

(2) Isikhungo soMthethosisekelo esimiswe ngokoMthethosisekelo owandulela lona siyaqhubeka nokusebenza ngokomthetho obhekene nalo, futhi noma ngubani osesikhundleni njengelungu lekhomishani, ilungu lebhodi yeBhange Elikhulu noma leBhodi Yezilimi Zonke ZaseNingizimu Afrika, uMvikeli Womphakathi noma uMcubunguli-Mabhuku Omkhulu Wezimali Zombuso ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka kuleso sikhundla ngokomthetho osebenza kuleso sikhundla, kunakwe –
(a) noma yikuphi ukuchibiyelwa noma ukuphelisiwa kwalowo mthetho; kanye
(b) nokuhambisana noMthethosisekelo omusha.

(3) Izigaba se 199(1), sama 200(1),(3) kanye no (5) kuya ku (11) kanye nesama 201 ukuya kwesama 206 zoMthethosisekelo owandulela lona ziyaqhubeka zisebenze zize zipheliswe nguMthetho Wephalamende owemukelwe ngokwesigaba se 75 soMthethosisekelo omusha.

(4) Amalungu eKhomishani Yezokuphathwa Kwezobulungiswa ephawulwe esigabeni se 105(1)(h) soMthethosisekelo owendulela lona, ayayeka ukuba ngamalungu eKhomishani uma sekuqokelwe ezikhundleni amalungu aphawulwe esigabeni se 178(1)(i) soMthethosisekelo omusha.

(5) (a) UMkhandlu Wezezwe Elizimele LamaBhunu omiswe ngokoMthethosisekelo owandulela lona uyaqhubeka nokusebenza ngokomthetho osebenza kuwo, futhi noma ngubani osesikhundleni njengelungu loMkhandlu ngesikhathi uMthethosisekelo omusha uqala ukusebenza uyaqhubeka ngokuba kuleso sikhundla ngokomthetho osebenza kuleso sikhundla, kunakwe –
(i) noma yikuphi ukuchibiyelwa noma ukupheliswa kwalowo mthetho; kanye
(ii) nokuhambisana noMthethosisekelo omusha.
(b) Isigaba se 184A nese 184B(1)(a),(b) no (d) zoMthethosisekelo owandulela lona ziyaqhubeka zisebenza zize zipheliswe nguMthetho Wephalamende

owamukelwa ngokwesigaba sama 75 soMthethosisekelo omusha.

Ukushaywa komthetho odingwa nguMthethosisekelo omusha

21. (1) Lapho uMthethosisekelo omusha udinga ukuthi kushaywe umthetho kazwelonke noma wesifundazwe, lowo mthetho kufanele ushaywe yisiphathimandla esifanele singakapheli isikhathi esamukelekile ngemuva kosuku uMthethosisekelo owaqala ukusebenza ngalo.

(2) Isigaba se 198(b) soMthethosisekelo omusha asinakuphoqelelwa kuze kube sekushaywe umthetho ocatshangwayo kuleso sigaba.

(3) Isigaba se 199(3)(a) soMthethosisekelo omusha asinakuphoqelelwa ngaphambi kokuthi kube sekuphele izinyanga ezintathu ngemuva kokushaywa komthetho ocatshangwayo kuleso sigaba.

(4) UMthetho kazwelonke ocatshangwa esigabeni sama-217(3)soMthethosisekelo omusha kufanele ushaywe kungakapheli iminyaka emithathu kusukela ngosuku uMthethosisekelo omusha owaqala ngalo ukusebenza, kodwa ukungabikho kwalo mthetho ngalesi sikhathi akuvimbeli ukuqala kusetshenziswe izinqubomgomo eziphawulwe esigabeni sama 217(2).

(5) Kuze kube yilapho kumiswa uMthetho Wephalamende okuphawulwe ngawo esigabeni sama 65(2) somthethosisekelo omusha, isishayamthetho sesifundazwe ngasinye singanquma eyaso inqubo ngokulandela igunya eligunyazwe izithunywa zaso lokuba livote egameni loMkhandlu Wezifundazwe Kazwelonke.

(6) Kuze kube yilapho kumiswa uMthetho ocatshangwa esigabeni sama 229(1)(b) soMthethosisekelo omusha, umasipala uzohlala enamandla okukhokhisa noma iyiphi intela, izimali ezikhokhelwa okuthile noma izimali ezikhokhela impahla evela kwamanye amazwe eyayigunyazwe ukuba ikhokhwe ngenkathi uMthethosisekelo uqala ukusebenza.

Ubumbano lwezwe nokubuyisana

22. (1) Yize ezinye izimiso zoMthethosisekelo omusha futhi ngaphandle kokupheliswa koMthethosisekelo owandulela lona, zonke izimiso eziphathelene nokuxolelwa kwamacala eziqukethwe kuMthethosisekelo owandulela lona ngaphansi kwesihloko, "Ubumbano Lwesizwe Nokubuyisana" zithathwa ngokuthi ziyingxenye

yoMthethosisekelo omusha ngezinhloso zoMthetho oGqugquzelela uBumbano Lwesizwe Nokubuyisana we-1995,(uMthetho wama 34 we 1995), njengoba uchibiyelwe, kumbandankanya nezinhloso zokusebenza kwawo.

(2) Mayelana nezinhloso zephuzwana loku (1), umhla zi '6 Disemba 1993', lapho uvela khona ezimisweni zoMthethosisekelo owandulela lona ngaphansi kwesihloko "Ubumbano Lwesizwe Nokubuyisana", kufanele ufundwe njengomhla zi '11 Meyi 1994'.

[Iphuzwana lesi (2) lingezwe yisigaba sesi 3 soMthetho Wokuqala Wokuchibiyela uMthethosisekelo we 1997.]

UMqulu Wamalungelo

23. (1) Umthetho kazwelonke ocatshangwa esigabeni sesi 9(4), sama 32(2), nesama 33(3) zoMthethosisekelo omusha kufanele zishaywe kungakapheli iminyaka emithathu kusukela ngosuku uMthethosisekelo omusha owaqala ukusebenza ngalo.

(2) Kuze kube lapho kushaywa umthetho ocatshangwa esigabeni sama 32(2) nesama 33(3) zoMthethosisekelo omusha –

(a) isigaba sama 32(1) kufanele sithathwe ngokuthi sifundeka ngendlela elandelayo -

"(1) Wonke umuntu unelungelo lokuthola lonke ulwazi olusezandleni zombuso noma zanoma iyiphi ingxenye yawo kunoma yimuphi umkhakha kahulumeni, uma lolo lwazi ludingeka ukuze kusetshenziswe noma kuvikelwe noma yiliphi lamalungelo lakhe"; futhi

(b) isigaba sama 33(1) nesesi (2) kufanele zithathwe ngokuthi zifundeka ngendlela elandelayo -

"Wonke umuntu unelungelo –

(a) lokuthola izinyathelo ezisemthethweni kwabaphethe lapho noma yimaphi amalungelo abo noma izidingo zabo zithinteka noma zisengozini;

(b) lokuthola izinyathelo ezisemthethweni ezilungile lapho noma yimaphi amalungelo abo noma amathemba abo afanele ethinteka noma esengozini;

(c) lokunikezwa izizathu ezibhaliwe zezinyathelo ezisemthethweni ezithathwe ngabaphethe ezithinta noma yimaphi amalungelo noma izidingo ngaphandle kwalapho lezo zizathu zimenyezelwe; kanye

(d) nelokuthola izinyathelo kwabaphethe ezifanele uma kuqhathaniswa nezizathu ezinikiwe zazo lapho amalungelo akhe ethinteka noma esengozini".

(3) Izigaba sama 32(2) nesama 33(3) zoMthethosisekelo omusha ziphelelwa isikhathi uma umthetho ocatshangwayo kulezo zigaba ngokulandelana kwazo, ungashaywa kungakapheli iminyaka emithathu kusukela ngosuku uMthethosisekelo omusha oqale ukusebenza ngalo.

Ukuphathwa kwemisebenzi yombuso nezikhungo zokuphepha

24. (1) Izigaba sama 82(4)(b), sama 215, sama 218(1), sama 219(1), sama 224 ukuya kwesama 228, sama 236(1), (2), (3), (6), (7)(b) nesesi (8), sama 237(1) nesesi (2) (a) kanye nesama 239(4) nesesi (5) zoMthethosisekelo owandulela lona ziqhubeka ngokusebenza sengathi uMthethosisekelo owandulela lona awupheliswanga, kuye–

(a) ngokuchibiyela kukulezo zigaba ezibekwe kusiJobelelo D;

(b) nganoma yikuphi okunye ukuchibiyela noma ukupheliswa kwalezo zigaba nguMthetho Wephalamende owamukelwe ngokwesigaba sama 75 soMthethosisekelo omusha; futhi

(c) ngokuhambisana noMthethosisekelo omusha.

(2) IKhomishani Yezemisebenzi Yombuso kanye namakhomishani ezifundazwe emisebenzi yombuso aphawulwe kuSahluko se 13 soMthethosisekelo owandulela lona, aqhubeka nokusebenza ngokwaleso Sahluko kanye nomthetho osebenza kuwo sengathi iSahluko asipheliswanga, kuze kube kususwa iKhomishani namakhomishani ezifundazwe ngokoMthetho Wephalamende owamukelwe ngokwesigaba sama 75 soMthethosisekelo omusha.

(3) Ukupheliswa koMthethosisekelo owandulela lona akuthikamezi noma yisiphi isimemezelo esikhishwe ngaphansi kwesigaba sama 237(3), soMthethosisekelo owandulela lona, futhi noma yiziphi izimemezelo ezifana nalezi ziyaqhubeka nokusebenza, kube kuye –

(a) nganoma yikuphi ukuchibiyelwa noma ukupheliswa; kanye

(b) nokuhambisana noMthethosisekelo omusha.

Izizathu ezinezezelwe zokungavunyelwa ukuba yilungu lesishayamthetho

25. (1) Noma yimuphi umuntu, owayedonsa isigwebo sasejele eRiphabhuliki esingaphezulu kwezinyanga eziyi 12 ngaphandle kokunikezwa ithuba lenhlawulo yemali, lapho uMthethosisekelo omusha uqala ukusebenza, akavunyelwe ukuba yilungu lesiGungu kaZwelonke noma lesishayamthetho sesifundazwe.

(2) Lokhu kungavunyelwa komuntu ngokwephuzu loku (1) –

(a) kuyaphela uma isigwebo sibekwa eceleni ngemuva kokwedluliswa kwecala, noma isigwebo sehlisiwe, ngemuva kokwedluliswa kwecala saba yisigwebo esingamvimbeli lowo muntu; futhi

(b) kuyaphela eminyakeni emihlanu ngemuva kokuqedwa kwesigwebo.

Uhulumeni wendawo

26. (1) Yize kunezimiso zezigaba se-151, se 155, se 156, nese 157 zomthethosisekelo omusha –

(a) izimiso zoMthetho Wesikhashana Kahulumeni Wasekhaya, we 1993 (uMthetho wama 209 we 1993), njengoba ungachitshiyelwa noma nini ngumthetho kazwelonke ohambisana noMthethosisekelo omusha, zizohlala zisebenza mayelana noMkhandlu Kamasipala kuze kube kumenyezelwe ukuthi sekukhethwe uMkhandlu Kamasipala othatha isikhundla salowo Mkhandlu ngenxa yomphumela wokhetho jikelele lokuqala lweMikhandlu Yomasipala ngemuva kokuqala koMthethosisekelo omusha; futhi

[Iphuzwana (a) indawo yalo ithathwe yisigaba sesi 5(a) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

(b) umholi wendabuko womphakathi olandela indlela yomthetho wendabuko nohlala emhlabeni osendaweni yomkhandlu wesikhashana wendawo, yomkhandlu wesikhashana wasemaphandleni noma yomele umkhandlu wesikhashana, ophawulwe eMthethweni Wesikhashana Kahulumeni Wasekhaya, we 1993, futhi okhonjwe esigabeni 182 soMthethosisekelo owandulela lona, unamandla ngokwesikhundla (ex officio) okuba yilungu lalowo mkhandlu kuze kube uMkhandlu Kamasipala othatha isikhundla salowo mkhandlu umenyezelwe ngenxa yomphumela wokhetho jikelele lokuqala lweMikhandlu Yomasipala ngemuva kokuqala koMthethosisekelo

omusha.

[Iphuzwana (b) indawo yalo ithathwe yisigaba sesi 5(a) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

(2) Isigaba se 245(4) soMthethosisekelo owandulela lona siyaqhubeka nokusebenza kuze kuphele ukusebenza kwaleso sigaba. Isigaba se 16(5) nese (6) soMthetho Wesikhashana kaHulumeni Wasekhaya, we 1993, asinakususwa ngaphambi komhla zingama 30 Ephreli 2000.

[Iphuzwana lesi (2) lichibiyelwe yisigaba sesi 5(b) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

Ukugcinwa ngokuphepha kweMithetho Yephalamende neMithetho Yezifundazwe

27. Izigaba sama 82 nese 124 zoMthethosisekelo omusha azithikamezi ukugcinwa ngokuphepha kweMithetho Yephalamende noma kweMithetho yesifundazwe eyamukelwe ngaphambi kokuthi uMthethosisekelo omusha uqale ukusebenza.

Ukubhaliswa kwempahla engagudluki yoMbuso

28. (1) Ekuvezweni kwesitifiketi yisiphathimandla esifanele sokuthi impahla engagudluki yoMbuso inikezwe uhulumeni othile ngokwesigaba sama-239 soMthethosisekelo owandulela lona, unobhala wamafa kufanele akubhale lokho noma lezo zivumelwano encwadini efanele yokubhalisa, kumatayitela noma komunye umbhalo wokubhalisa leyo mpahla engagudluki egameni lalowo hulumeni.

(2) Akunanhlawulo, imali ekhokhwayo noma ezinye izindleko ezikhokhwayo mayelana nokubhaliswa ngokwephuzwana loku (1).

OKUJOTSHELELWE A

Ukuchibiyela Kusheduli yesi 2
YoMthethosisekelo Owandulela Lona

1. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu loku 1:

'1. Amaqembu abhaliswe ngokomthetho kazwelonke namele ukhetho lesiGungu Sikazwelonke, kufanele aphakamise amagama abazomela ukhetho lolo kuzinhla zabamele ukhetho ezenziwe ngokuhambisana nale Sheduli nomthetho kazwelonke.'.

2. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu lesi 2:

'2. Izihlalo esiGungwini Sikazwelonke njengoba kunqunywe ngokwesigaba sama 46 soMthethosisekelo omusha, zizogcwaliswa ngendlela elandelayo -

(a) Ingxenye yezihlalo evela ohlwini lwezifundazwe lweqembu ngalinye, kube kunenani elingaguquki lezihlalo elibekelwe isifunda ngasinye njengoba kunqunywe yiKhomishani inqumela ukhetho olulandelayo loMkhandlu, kube kubhekwe ulwazi olwesekelwe kusayensi mayelana nabavoti, kanye neziphakamiso ezivela emaqenjini anezintshisekelo.

(b) Enye ingxenye yezihlalo evela ohlwini lukazwelonke lweqembu ngalinye, noma ohlwini lesifunda uma uhlu lukazwelonke lungangeniswanga.'.

3. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu lesi 3:

'3. Izinhla zabamele ukhetho olufakwa yiqembu, kufanele uma seziphelele zibe nesamba samagama esingeqile enanini labantu abaphakanyisiwe elilingana nezihlalo ezikhona esiGungwini Sikazwelonke, futhi uhlu ngalunye luzohlela amagama lawo ngendlela engaguquki efiswa iqembu lelo njengoba linganquma ngalokho.'.

4. Ukuchibiyelwa kwephuzu lesi (5) ngokufakelwa kwamagama alandelayo esikhundleni samagama endulela indima(a):

'5. Izihlalo okukhulunywa ngazo ephuzwini lesi 2(a) zizokwabelwa ngesifunda ngasinye amaqenjini amele ukhetho, ngale ndlela elandelayo.'.

5. Ukuchibiyelwa kwephuzu lesi (6):

(a) ngokufaka esikhundleni samagama angaphambi kwendima (a) lawa magama alandelayo:

'**6**. Izihlalo okukhulunywa ngazo ephuzwini lesi 2(b) zizokwabelwa amaqembu amele ukhetho, ngendlela elandelayo:"; kanye

(b) nangokufaka esikhundleni sendima (a) indima elandelayo:
'(a) Isabelo samavoti esihlalo ngasinye sizobalwa ngokwehlukanisa isamba samavoti afakwe kukazwelonke ngenani lezihlalo eziseMkhandlwini kaZwelonke, kuhlanganiswe nesisodwa, bese kuthi umphumela uhlanganiswe nokukodwa, kunganakwa izingcezu ezingaphelele, ube yisabelo samavoti aya esihlalweni ngasinye.".

6. Ukuchitshiyelwa kwephuzu lesi 7(3) ngokufaka indima elandelayo esikhundleni sendima (b):

'(b) Isabelo esichitshiyelwe samavoti esihlalweni ngasinye sizobalwa ngokwehlukanisa isamba samavoti afakwe ngokukazwelonke, kususwe inani lamavoti afakelwe iqembu okukhulunywa ngalo endimeni (a) ngokukazwelonke, ngenani lezihlalo esiGugwini, kuhlanganiswe nesisodwa, bese kususwa inani lezihlalo eligcine labelwe iqembu elishiwo ngokwesigaba (a).'.

7. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 10:

'10. Inani lezihlalo kusishayamthetho sesifundazwe ngasinye lizoba njengoba kunqunyiwe ngokwesigaba se 105 soMthethosisekelo omusha.'.

8. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 11:

'11. Amaqembu abhaliswe ngokomthetho kazwelonke futhi amele ukhetho lwesishayamthetho sesifundazwe, azophakamisa amagama abamele ukhetho lwaleso sishayamthetho sesifundazwe ezinhleni zesifundazwe ezilungiswe ngokuhambisana nale Sheduli kanye nomthetho kazwelonke.".

9. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 16:

"**Ukubekwa kwabameleli**.

16 (1) Ngemuva kokuqedwa kokubalwa kwamavoti, inani labameleli beqembu ngalinye selinqunyiwe nomphumela wokhetho usumenyezelwe ngokwesigaba se 190 soMthethosisekelo omusha, iKhomishani, kungakapheli izinsuku ezimbili ngemuva kokumenyezelwa, izobeka isusela ohlwini ngalunye lwabamele ukhetho, olushicilelwe ngokomthetho kazwelonke, abazomela iqembu ngalinye kusishayamthetho.

(2) Ngemuva kokubekwa ngokwephuzwana loku (1), uma igama lalowo obemele

ukhetho livela ohlwini olungaphezu kolulodwa lesiGungu Sikazwelonke noma ezinhleni zesiGungu Sikazwelonke kanye nolwesishayamthetho sesifundazwe (uma ukhetho lesiGungu nolwesishayamthetho sesifundazwe lubanjwa ngesikhathi esifanayo), futhi obemele okhethweni kulindeleke ukuthi abekwe njengommeleli ezikhundleni ezingaphezulu kwesisodwa, iqembu elizingenise lezo kuzinhla, kungakapheli izinsuku ezimbili ngemuva kwesimemezelo leso, lizosho kuKhomishani ukuthi umuntu kufanele abekwe kususelwa koluphi uhlu noma ukuthi uzosebenza kusiphi isishayamthetho, ngokwesimo esizobe sikhona, okuzokwenza ukuthi igama lalowo obemele ukhetho licishwe kwezinye izinhla.

(3) IKhomishani khona lapho izobe isishicilela uhlu lwamagama abameleli kusishayamthetho noma kuzishayamthetho".

10. Ukuguqulwa kwephuzu le 18 ngokufaka indima elandelayo esikhundleni sendima (b):

'(b) ummeleli uqokelwa ukuba yisithunywa esisesikhundleni unomphela eMkhandlwini Wezifundazwe Kazwelonke;".

11. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 19:

'**19.** Izinhla zabamele ukhetho beqembu elishiwo ephuzwini le 16(1) zinganezezelwa kube kanye kuphele noma ngasiphi isikhathi phakathi kwezinyanga zokuqala eziyi 12 ngemuva kokuthi ukuqokwa kwabameleli ngokwephuzu le 16 kuqediwe, ukuze kugcwaliswe izikhala ezivela zingalindelwe: Inqobo uma ukunezezelwa lokho kwenziwa ekugcineni kohlu'.

12. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu lama 23: 'Izikhala zomsebenzi.

23. (1) Uma kwenzeka kuba nesikhala kusishayamthetho esithintwa yile Sheduli, iqembu elaphakamisa ilungu elishiyayo lizogcwalisa isikhala ngokuphakamisa umuntu –

(a) ogama lakhe likhona ohlwini lwabamele ukhetho lolo lowo oshiyayo ayephakanyiswe kulo ngaphambilini; futhi

(b) ongolandelayo ofanele ohlwini futhi otholakalayo kulo.

(2) Isiphakamiso sokugcwalisa isikhala sizonikezwa uSomlomo sibhalwe phansi.

(3) Uma iqembu elimelwe kusishayamthetho lishabalala noma liyeka ukuba khona futhi amalungu alelo qembu eshiya izihlalo zawo ngenxa yephuzu lama 23A(1),

izihlalo ezithintekayo kufanele zabelwe amaqembu asele ngokuguquguquka kwezimo okudingekayo (mutatis mutandis) sengathi lezo zihlalo zishiywe ngokwephuzu lesi 7 noma le 14, kuye ngesimo esivelile'.

13. Ukufakelwa kwephuzu elilandelayo ngemuva kwephuzu lama 23: 'Izizathu ezinezezelwe zokulahlekelwa ngubulungu kuzishayamthetho

23A. (1) Umuntu ulahlekelwa ngubulungu kusishayamthetho esithintwa yile Sheduli uma lowo muntu eyeka ukuba yilungu leqembu elaphakamisa lowo muntu njengelungu laso.

(2) Nangaphandle kokushiwo yiphuzu loku (1), noma yiliphi iqembu lezombusazwe elikhona lingalishintsha igama lalo nganoma yingasiphi isikhathi.

(3) UMthetho Wephalamende, ungashaywa kungakapheli isikhathi esamukelekile ngemuva kokuthi uMthethosisekelo omusha uqale ukusebenza, ngokuhambisana nesigaba sama 76(1) soMthethosisekelo omusha ukuze uchibiyele leli phuzu kanye nephuzu lama 23 ukuhlinzekela indlela engenza ukuthi ilungu lesishayamthetho eliyeka ukuba yilungu leqembu elaliphakamise lelo lungu, likwazi ukugcina ubulungu baleso sishayamthetho.

(4) UMthetho wePhalamende ophawulwe ephuzwaneni lesi (3) ungabuye uhlinzekele nokuthi –

(a) nanoma yiliphi iqembu elikhona lihlangane nelinye iqembu kube yiqembu elilodwa; noma

(b) nanoma yiliphi iqembu lehlukane libe ngamaqembu angaphezulu kwelilodwa.".

14. Ukucinywa kwephuzu lama 24

15. Ukuchibiyelwa kwephuzu lama 25:

(a) ngokufakwa esikhundleni sencazelo ka'Khomishani' ngencazelo elandelayo: "iKhomishani' ichaza iKhomishani yoKhetho ephawulwe esigabeni se 190 soMthethosisekelo omusha;"; futhi

(b) ngokufaka incazelo elandelayo ngemuva kwencazelo yo'hlu lukazwelonke:' "uMthethosisekelo omusha' uchaza uMthethosisekelo weRiphabhuliki YaseNingizimu Afrika we 1996;".

16. Ukucinywa kwephuzu lama 26.

OKUJOTSHELELWE B

UHULUMENI WOBUMBANO LWESIZWE: UMKHAKHA KAZWELONKE

1. Isigaba sama 84 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lesi sigatshana esilandelayo ngaphezu kwesikhona:

'(3) uMongameli kufanele abonisane namaPhini KaMongameli Aphethe –

(a) ekuthuthukiseni nasekwenziweni kwezinqubomigomo zikahulumeni kazwelonke;

(b) kuzo zonke izindaba eziphathelene nokuphathwa kweKhabhinethi nokwenziwa komsebenzi weKhabhinethi;

(c) ekwabiweni kwemisebenzi kumaPhini KaMongameli Aphethe;

(d) ngaphambi kwanoma yikuphi ukuqokela ezikhundleni ngaphansi koMthethosisekelo noma kwanoma yimuphi umthetho, kumbandakanya ukuqokwa kwamanxusa noma kwabamele izwe kwamanye amazwe;

(e) ngaphambi kokuqoka amakhomishani ophenyo;

(f) ngaphambi kokubiza inhlolovo; kanye

(g) nangaphambi kokuxolela noma ukukhululwa kwalabo abenze amacala'.

2. Isigaba sama 89 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lezi zigatshana ngaphezu kwalezo ezikhona:

'(3) Izigatshana soku (1) nesesi (2) ziyasebenza nasePhinini LikaMongameli Eliphethe'.

3. Indima(a) yesigaba sama 90(1) soMthethosisekelo omusha ithathwa ngokuthi ifundeka ngendlela elandelayo:

'(a) SePhini likaMongamelieliPhethe eliqokwe nguMongameli;'.

4. Isigaba sama 91 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngendlela elandelayo:

'**Ikhabhinethi**

91. (1) IKhabhinethi yakhiwe nguMongameli, ngamaPhini KaMongameli Aphethe kanye –

(a) noNgqongqoshe abangeqile kuma 27 abangamalungu oesiGungu Sikazwelonke futhi beqokwe ngokwesigatshana sesi(8) kuya kwese (12); kanye

(b) noNgqongqoshe ongeqile koyedwa ongelona ilungu lesiGungu Sikazwelonke oqokwe ngokwesigatshana se (13), inqobo uma uMongameli, esebenza ngokubonisana namaPhini KaMongameli Aphethe nabaholi bamaqembu abambe iqhaza, ebona kufanele ukuqokwa kwalowo Ngqongqoshe.

(2) Iqembu ngalinye elinezihlalo okungenani ezingama-80 esiGungwini Sikazwelonke linelungelo lokuqoka iPhini LikaMongameli Eliphethe phakathi kwamalungu esiGungu.

(3) Uma lingekho iqembu noma kuyiqembu elilodwa kuphela elinezihlalo ezingama-80 noma ngaphezulu esiGungwini, iqembu elinezihlalo eziningi kunawo wonke neqembu elinenani elilandelayo lezihlalo ngalinye linelungelo lokuqoka iPhini LikaMongameli Eliphethe elilodwa phakathi kwamalungu esiGungu.

(4) Uma seliqokiwe iPhini LikaMongameli Eliphethe lingakhetha ukuhlala liyilungu lesiGungu noma ukuyeka ubulungu.

(5) IPhini LikaMongameli Eliphethe lingasebenzisa amandla futhi kufanele lenze imisebenzi ebekelwe isikhundla sePhini LikaMongameli Eliphethe nguMthethosisekelo noma eyabelwe leso sikhundla nguMongameli.

(6) IPhini LikaMongameli Eliphethe liba sesikhundleni –

(a) kuze kube mhla zi 30 Ephreli 1999 ngaphandle kwalapho kufakwe omunye esikhundleni salo noma libuyiselwe emuva yiqembu elinelungelo lokwenza isiphakamiso ngokwezigatshana sesi (2) noma sesi (3); noma

(b) kuze kube yilapho umuntu okhethelwe ukuba nguMongameli ngemuva kwanoma yiluphi ukhetho lesiGungu Sikazwelonke olubanjwe ngaphambi kwamhla zi 30 Ephreli 1999, ethatha esikhundla.

(7) Isikhala esikhundleni sePhini LikaMongameli eliPhethe singagcwaliswa yiqembu eliphakamise lelo Phini LikaMongameli.

(8) Iqembu elinezihlalo ekungenani ezingama 20 esiGungwini Sikazwelonke futhi elinqume ukubamba iqhaza kuhulumeni wobumbano lwesizwe, linelungelo lokwabelwa isikhundla esisodwa noma ngaphezulu seKhabhinethi, esiqokelwa oNgqongqoshe abaphawulwe esigatshaneni soku (1)(a), ngendlela ehambisanayo nenani lezihlalo zalelo qembu esiGungwini Sikazwelonke uma kuqhathaniswa nenani lezihlalo zamanye amaqembu abamba iqhaza.

(9) Izikhundla zeKhabhinethi kufanele zabelwe iqembu ngalinye elibambe iqhaza ngokulandela uhlelo lokubala olulandelayo -

(a) Isabelo sezihlalo esiqondene nesikhundla ngasinye kufanele sibalwe ngokwehlukanisa inani eliphelele lezihlalo esiGungwini Sikazwelonke elibanjwe ngokuhlanganyela ngamaqembu abambe iqhaza ngenani lezikhundla ezizoqokelwa oNgqongqoshe abaphawulwe esigatshaneni soku (1)(a), bese kuhlanganiswa noyedwa.

(b) Umphumela, kunganakwa izingxenye kusukela enombolweni yesithathu nezilandelayo, uma zikhona izabelo zezihlalo ngesikhundla ngasinye.

(c) Inani lezikhundla ezizokwabelwa iqembu ngalinye elibamba iqhaza linqunywa ngokwehlukanisa inani lesamba sezihlalo zalelo qembu esiGungwini Sikazwelonke ngesabelo esiphawulwe esigabeni (b).

(d) Umphumela, owencike endimeni (e), ukhomba inani lezikhundla okufanele zabelwe lelo qembu.

(e) Uma ukusetshenziswa kohlelo lokubala olungenhla kugcina kunikeza kunensalela engathathwanga yinani lezikhundla ezabelwe iqembu, leyo nsalela iqhudelana nezinye izinsalela ezifana nayo zelinye iqembu noma zamanye amaqembu, futhi noma yiziphi izikhundla, ezisele zingabiwanga kufanele zabelwe iqembu noma amaqembu athintekile ngokulandelana kwensalela enkulu kunazo zonke.

(10) UMongameli ngemuva kokubonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abamba iqhaza kufanele –

(a) anqume ngezikhundla ezithile ezizokwabelwa iqembu ngalinye elibamba iqhaza ngokulandela inani lezikhundla elizabelwe ngokwesigatshana sesi (9);

(b) aqoke mayelana naleso sikhundla ngasinye ilungu lesiGungu Sikazwelonke eliyilungu leqembu elabelwe leso sikhundla ngaphansi kwendima (a), njengoNgqongqoshe obhekene naleso sikhundla;

(c) uma kuba nesidingo ngezizathu zoMthethosisekelo noma ngenxa yezidingo zokubusa kahle kukahulumeni, aguqule noma yisiphi isinqumo esingaphansi kwendima (a), ngokwencike esigatshaneni sesi (9);

(d) asuse noma yikuphi ukuqokwa ngaphansi kwendima (b) –

(i) uma uMongameli ecelwe ukuthi enze kanjalo ngumholi weqembu

lowo Ngqongqoshe uyilungu lalo; noma

(ii) uma kuba nesidingo ngezizathu zoMthethosisekelo noma ngenxa yezidingo zokubusa kahle kukahulumeni; noma

(e) agcwalise isikhala esikhundleni sikaNgqongqoshe, uma kunesidingo, ngokwencika esigabeni (b).

(11) Isigatshana se (10) kufanele sisetshenziswe ngomoya oqukethwe emqondweni wohlobo lukahulumeni wobumbano lwesizwe, futhi uMongameli kanye nabanye abamsebenzelayo abathintekile, kufanele uma besebenzisa leso sigatshana bazame ukuvumelana ngezikhathi zonke: Ngaphandle uma ukuvumelana kungakwazi ukufinyelelwa mayelana -

(a) ngokusetshenziswa kwamandla aphawulwe endimeni (a), (c) noma (d) (ii) yaleso sigatshana, isinqumo sikaMongameli siyasetshenziswa;

(b) ngokusetshenziswa kwamandla aphawulwe endimeni (b),(d)(i) noma (e) yaleso sigatshana athinta umuntu ongelona ilungu leqembu likaMongameli, isinqumo somholi weqembu lowo muntu ayilungu lalo siyasetshenziswa; kanye

(c) ngokusetshenziswa kwamandla aphawulwe endimeni (b) noma (e) yaleso sigatshana athinta umuntu oyilungu leqembu likaMongameli, isinqumo sikaMongameli siyasetshenziswa.

(12) Uma noma yisiphi isinqumo ngokwabiwa kwezikhundla siguqulwa ngaphansi kwesigatshana se (10)(c), oNgqongqoshe abathintekile kufanele bashiye izikhundla zabo kodwa bavunyelwe, uma kungenzeka, ukuthi baqokwe kabusha baqokelwe kwezinye izikhundla ezabelwe iqembu labo ngalinye ngokwesinqumo esiguquliwe.

(13) UMongameli –

(a) ebonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abamba iqhaza, kufanele –

(i) anqume ukuthi uNgqongqoshe ophawulwe esigatshaneni soku (1) (b) uzophatha siphi isikhundla uma kunesidingo ngemuva kwesinqumo sikaMongameli ngaphansi kwaleso sigatshana;

(ii) aqoke mayelana naleso sikhundla umuntu ongelona ilungu lesiGungu Sikazwelonke, njengoNgqongqoshe obhekene naleso sikhundla;

(iii) agcwalise, uma kunesidingo, isikhala esiqondene naleso sikhundla,

noma

(b) ngemuva kokubonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abambe iqhaza, kufanele aqede noma yikuphi ukuqokwa okungaphansi kwendima (a) uma kuba nesidingo ngezizathu zoMthethosisekelo noma zokubusa kahle kukahulumeni.

(14) Imihlangano yeKhabhinethi kufanele yenganyelwe nguMongameli, noma, uma uMongameli enikeza umyalo, kube yiPhini LikaMongameli Eliphethe: Ngaphandle kokuthi amaPhini KaMongameli Aphethe ayashintshisana ngokwengamela imihlangano yeKhabhinethi ngaphandle kwalapho ukuphuthuma kwezidingo zikahulumeni kanye nomoya oqukethwe ngumqondo kahulumeni wobumbano lwesizwe, kudinga ukuthi kwenzeke ngenye indlela.

(15) lKhabhinethi kufanele isebenze ngendlela ecabangela ukutholakala komoya wokuvumelana ngokomqondo kahulumeni wobumbano lwesizwe kanye nangokwesidingo sokuba nohulumeni osebenza ngendlela efanele.".

5. Isigaba sama 93 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngendlela elandelayo

"**Ukuqokwa kwamaPhini oNgqongqoshe**

93. (1) UMongameli, ngemuva kokubonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abamba iqhaza kuKhabhinethi, angasungula izikhundla zamaphini ongqongqoshe.

(2) Iqembu linelungelo lokwabelwa isikhundla esisodwa noma ezingaphezulu zamaphini ongqongqoshe ngamanani alinganayo kanye nangendlela yokubala efana naleyo esentshenziselwe ukwabiwa kwezikhundla zeKhabhinethi.

(3) Izimiso zesigaba sama 91(10) kuya kwese (12) ziyasebenza, nezinguquko eziufanele, mayelana namaPhini oNgqongqoshe, futhi kulokho kusetshenziswa ukuphawula okubhekise kuNgqongqoshe noma esikhundleni kufanele kufundwe njengokuphawula ngePhini LikaNgqongqoshe noma ngesikhundla sePhini LikaNgqonqoshe, ngokulandelana kwalokho.

(4) Uma umuntu eqokwe njengePhini LikaNgqongqoshe lanoma yisiphi isikhundla esinikezwe uNgqongqoshe –

(a) lelo Phini LikaNgqongqoshe kufanele ngegama lalowo Ngqongqoshe, lisebenzise futhi lenze nganoma yimaphi amandla noma imisebenzi

eyabelwe lowo Ngqongqoshe ngokomthetho noma yimuphi noma okunye, yabelwe iPhini likaNgqongqoshe, ngokuhambisana nemiyalelo kaMongameli; futhi

(b) noma yimuphi umthetho okhuluma ngalowo Ngqongqoshe kufanele uthathwe ngokuthi umbandakanya iPhini LikaNgqongqoshe elibambe ngokokujutshwa ngaphansi kwendima (a) nguNgqongqoshe obanjelwe yilelo Phini LikaNgqongqoshe.

(5) Lapho iPhini LikaNgqongqoshe lisuke lingekho noma ngenxa yanoma yisiphi isizathu lingakwazi ukusebenzisa noma ukwenza noma yimaphi amandla noma imisebenzi yesikhundla, uMongameli angaqoka noma yiliphi elinye iPhini LikaNgqongqoshe noma yimuphi omunye umuntu ukuba abambe isikhundla salelo Phini LikaNgqongqoshe, ekwenza lokho ngokuphelele noma mayelana nokusetshenziswa noma ukwenziwa kwanoma yimaphi amandla noma imisebenzi abaluliwe.'.

6. Isigaba sama 96 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lezi zigatshana ezilandelayo ezinezezelwe:

'(3) ONgqogqoshe banezibopho ngamunye kuMongameli kanye nasesiGungwini Sikazwelonke mayelana nokuphathwa kwezikhundla zabo, futhi wonke amalungu eKhabhinethi anezibopho njengembumba mayelana nokwenziwa kwemisebenzi kahulumeni kazwelonke kanye nangenqubomigomo yakhe.

(4) ONgqongqoshe kufanele baphathe izikhundla zabo ngokulandela inqubomgomo enqunywe yiKhabhinethi.

(5) Uma uNgqongqoshe ehluleka ukuphatha isikhundla ngokuhambisana nenqubomgomo yeKhabhinethi, uMongameli angadinga ukuthi uNgqongqoshe othintekile aqondise ukuphathwa kwaleso sikhundla ukuze kuhambisane nalowo mgomo.

(6) Uma uNgqongqoshe othintekile ehluleka ukuhlangabezana nezidingo zikaMongameli ngaphansi kwesigatshana sesi (5), uMongameli angamsusa uNgqongqoshe esikhundleni –

(a) uma kunguNgqongqoshe ophawulwe esigabeni sama 91(1)(a), ngemuva kokubonisana noNgqongqoshe futhi, uma uNgqongqoshe engelona ilungu leqembu likaMongameli noma engeyena umholi weqembu elibamba iqhaza, nangemuva kokubonisana nomholi weqembu lalowo Ngqongqoshe; noma

(b) uma kunguNgqongqoshe ophawulwe esigabeni sama 91(1)(b), ngemuva kokubonisana namaPhini KaMongameli Aphethe nabaholi bamaqembu abamba iqhaza.'.

OKUJOTSHELELWE C

UHULUMENI WOBUMBANO LWESIZWE:UMKHAKHA WESIFUNDAZWE

1. Isigaba se 132 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngendlela elandelayo

"**IMIKHANDLU EPHETHE**

132. (1) UMkhandlu Omkhulu isifundazwe wakhiwe uNdunankulu kanye namalungu angengaphezulu kwayi 10 aqokwe nguNdunankulu ngokulandela lesi sigaba.

(2) Iqembu elinezihlalo ezingamaphesenti ayi 10 okungenani kusishayamthetho sesifundazwe nelinqume ukuzimbandakanya kuhulumeni wobumbano lwesizwe, linegunya lokunikwa isikhundla esisodwa noma ngaphezulu zoMkhandlu Omkhulu ngokulingana nenani lezihlalo elinazo kusishayamthetho okuncike enanini lezihlalo zamanye amaqembu abambe iqhaza kusishayamthetho.

(3) Izikhundla eMkhandlwini Omkhulu kufanele zabelwe amaqembu abambe iqhaza ngokulandela indlela yokubala efanayo nesesigabeni sama 91(9), futhi uma kusetshenziswa leyo ndlela ukuphawula okukuleso sigaba –

(a) ngeKhabhinethi, kufanele kufundwe njengokubhekisa eMkhandlwini Omkhulu;

(b) ngoNgqongqoshe, kufanele kufundwe njengokubhekisa elungwini loMkhandlu Omkhulu; kanye

(c) nangesiGungu Sikazwelonke, kufanele ufundwe ngokubhekisa kusishayamthetho sesifundazwe.

(4) UNdunankulu wesifundazwe kufanele, ngemuva kokubonisana nabaholi bamaqembu abamba iqhaza –

(a) anqume izikhundla ezibaluliwe ezizonikezwa amaqembu afanele abamba iqhaza ngokulandela inani lezikhundla azinikezwe ngokwesigatshana sesi (3);

(b) aqoke ngokwesikhundla ngasinye, ilungu lesishayamthetho elimele iqembu elinikezwe isikhundla ngokwendima (a), njengelungu loMkhandlu Omkhulu elibhekene naleso sikhundla;

(c) uma kuba nesidingo ngenxa yezinhloso zomthethosisekelo noma ngenxa yokubonelela ukuphatha ngendlela elungile, ahlukanise noma yikuphi ukuqoka okungaphansi kwendima (a); kuye ngesigatshana sesi (3);

(d) aphelise noma yikuphi ukuqoka okungaphansi kwendima (b) –

(i) uma uNdunankulu eceliwe ukwenze njalo ngumholi weqembu okungukuthi ilungu lelo okukhulunywa ngalo liyilungu loMkhandlu Omkhulu; noma

(ii) uma kuba nesidingo ngenxa yezinhloso zomthethosisekelo noma ngenxa yokuphatha okulungile; noma

(e) agcwalise, uma kunesidingo, ngokwesigaba (b); isikhundla ehhovisi lelungu loMkhandlu Omkhulu.

(5) Isigatshana sesi (4) kufanele sisetshenziswe ngomoya ongaphakathi komqondo kahulumeni wobumbano lwesizwe, kanti futhi uNdunankulu nabanye asebenza nabo abathintekile kufanele ukuthi ekusetshenzisweni kwesigatshana leso, baphokophela ukufinyelela ekuvumelaneni ngezikhathi zonke: ngaphandle uma kungafinyelelwa ekuvumelaneni mayelana –

(a) nokusetshenziswa kwamandla aphawulwe endimeni (a), (c) noma (d)(ii) yaleso sigatshana, isinqumo sikaNdunankulu siyasetshenziswa;

(b) nokusetshenziswa kwamandla aphawulwe endimeni (b),(d)(i) noma (e) yesigatshana esithinta umuntu ongelona ilungu leqembu likaNdunankulu, isinqumo somholi weqembu lowo muntu ayilungu lalo siyasetshenziswa; kanye

(c) nokusetshenziswa kwamandla aphawulwe endimeni (b) noma (e) yaleso sigatshana esithinta umuntu oyilungu leqembu likaNdunankulu, isinqumo sikaNdunankulu siyasetshenziswa.

(6) Uma noma yikuphi ukunqunywa kokunikezwa kwezikhundla kuguqulwa ngokwesigatshana sesi 4(c), amalungu athintekayo kufanele ashiye izikhundla zawo kodwa avumelekile, lapho kunesidingo khona, ukuba aqokwe kabusha kwezinye izikhundla ezinikezwe amaqembu awo ngokwesinqumo esiguquliwe.

(7) Imihlangano yoMkhandlu Omkhulu kufanele yenganyelwe nguNdunankulu Wesifundazwe.

(8) UMkhandlu Omkhulu kufanele usebenze ngendlela ecabangela umoya

wokufuna ukuvumelana oqukethwe kuhulumeni wobumbano lwesizwe, kanye nangokwesidingo sikahulumeni osebenza ngempumelelo".

2. Isigaba se 136 soMthethosisekelo omusha sithathwa njengesiqukethe lezi zigatshana ezenezezelwe

'(3) Amalungu oMkhandlu Omkhuluu anesibopho ilungu ngalinye kuNdunankulu nakusishayamthetho sesifundazwe ngokuphathwa kwezikhundla zawo, kanti futhi wonke amalungu oMkhandlu Omkhulu ngokufanayo, anesibopho njengembumba mayelana nokwenziwa komsebenzi kahulumeni wesifundazwe kanye nangemigomo yakhe.

(4) Amalungu oMkhandlu Omkhulu kufanele engamele izikhundla zawo ngokulandela inqubomgomo ekhishwe nguMkhandlu.

(5) Uma ilungu loMkhandlu Omkhulu lehluleka ukuphatha isikhundla salo ngokulandela inqubomgomo yoMkhandlu, uNdunankulu angaba nesidingo sokuba acele ilungu elithintekile ukuba liphathe isikhundla salo ngokuhambisana nenqubomgomo leyo.

(6) Uma ilungu elithintekile lehluleka ukuhambisana nesidingo sikaNdunankulu esingaphansi kwesigatshana sesi-(5), uNdunankulu angalisusa lelo lungu esikhundleni ngemuva kokubonisana nalo, kanti uma ilungu lingelona eleqembu likaNdunankulu noma lingeyena umholi weqembu elibamba iqhaza, nangemuva kokubonisana nomholi weqembu lelungu lelo.".

OKUJOTSHELELWE D

IZIDINGO ZOKUPHATHWA KANYE NEZOKUPHEPHA KOMPHAKATHI: IZICHIBIYELO EZIGABENI ZOMTHETHOSISEKELO OWENDULELA LO

1. Ukuchibiyelwa kwesigaba sama 218 soMthethosisekelo owendulela lo –

(a) ngokufaka esikhundleni samagama endulela indima (a) esigatshaneni soku (1) ngamagama alandelayo:
'(1)Ngokwencika emiyalelweni kaNgqongqoshe wezoKuphepha nezokuVikela, uKhomishani kaZwelonke uzoba nesibopho –';

(b) ngokufaka esikhundleni sendima (b) yesigatshana soku (1) indima elandelayo:
'(b) ukuqokwa kokhomishani bezifundazwe;';

(c) ngokufaka esikhundleni sendima (d) yesigatshana soku (1) indima elandelayo:
'(d) ukuphenya kanye nokuvimbela ubugebengu obuhleliwe noma ubugebengu obudinga uphenyo kanye nokuvimbela ubugebengu okwenziwa kuzwelonke noma amakhono akhethekile;"; kanye

(d) nangokufaka indima (k) yesigatshana (l) indima elandelayo:
'(k) ukwakhiwa kanye nokugcinwa kophiko lukazwelonke olubheka ukusimama kwezimo emphakathini ukuze luthunyelwe ukuyokweseka kanye nalapho kunesicelo sikaKhomishani wesiFundazwe;'.

2. Ukuguqulwa kwesigaba sama 219 soMthethosisekelo owendulela lo ngokufaka amagama endulela indima (a) esigatshaneni soku (1) ngamagama alandelayo

'(1) Ngokuya kwesigaba sama 218(1), uKhomishani Wesifundazwe uzoba nesibipho –".

3. Ukuguqulwa kwesigaba sama 224 soMthethosisekelo owendulela lo ngokufaka esikhundleni sombandela obekelwe isigatshana sesi (2) umbandela olandelayo:

'Inqobo uma lesi sigatshana sizobuye sisebenze kumalungu anoma yimuphi umbutho ohlomile ofake uhlu lwabasebenzi bawo ngemuva kokuqala ukusebenza koMthethosisekelo waseNingizimu Afrika, we 1993 (uMthetho wama 200 we 1993), kodwa ngaphambi kokuvunywa komqulu womthethosisekelo omusha njengoba kucatshangwa esigabeni sama 73 salowo Mthethosisekelo, uma inhlangano yezezombusazwe umbutho lowo ogxile ngaphansi kwegunya lawo nokulawula

kwawo negqugquzela izinhloso zawo iye yabamba iqhaza eMkhandlwini Omkhulu wesiKhashana noma yabamba iqhaza okhethweni lokuqala loMkhandlu kaZwelonke nowezishayamthetho zezifundazwe ngaphansi koMthethosisekelo okukhulunywa ngawo.'

4. Ukuguqulwa kwesigaba sama 227 soMthethosisekelo owendulela lo ngokufaka esikhundleni sesigatshana sesi (2) isigatshana esilandelayo:

'(2) UMbutho wezokuVikela kaZwelonke uzosebenzisa amandla awo futhi uzokwenza umsebenzi wawo ngokwenza kuphela lokho okubhekene nezidingo zezwe ngokweSahluko se 11 soMthethosisekelo waseNingizimu Afrika, we 1996.'

5. Ukuguqulwa kwesigaba sama-236 soMthethosisekelo owendulela lo –

(a) ngokufaka esikhundleni sesigatshana soku (1) isigatshana esilandelayo:

'(1) Uhulumeni, umnyango kahulumeni, ukuphathwa kukahulumeni noma ezokuphepha okwathi masinyane ngaphambi kokuqaliswa koMthethosisekelo waseNingizimu Afrika, we 1996(ngemuva kwalapha obizwa ngokuthi 'uMthethosisekelo omusha'), wabe wenza imimsebenzi kahulumeni, uyaqhubeka nokusebenza ngokomthetho osebenza lapho kuze kube ukuthi uyaqedwa noma ufakwa noma uhlanganiswa kunoma iyiphi inhlangano efanele noma udidiyelwa noma uqiniswe kanye nanoma iyiphi enye inhlangano.'

(b) ngokufaka esikhundleni sesigatshana sesi (6) isigatshana esilandelayo:

'(6)(a) UMonUMongameli angaqoka ikhomishani ezobuka kabusha ukuphethwa noma ukuguqulwa kwesivumelwano, ukuqashwa noma ukukhushulelwa esikhundleni esiphakeme, noma ukunikezwa kwesikhathi esimisiwe noma isimo sokusebenza noma ezinye izinzuzo, okwenzeka phakathi kwamhla zi 27 Epheli 1993 namhla zi 30 Sephtemba 1994 kunoma yimuphi umuntu okuphawulwe ngaye esigatshaneni sesi (2) noma kunoma yiliphi izinga labantu abanjalo.

(b) Ikhomishani ingahlehlisa ibuyisele emuva noma iguqule isivumelwano, ukuqashwa, ukukhushulelwa esikhundleni esiphakeme noma ukunikezwa kokuthile uma kungalungile noma kwamukelekile ezimweni zalolo daba"; kanye

(c) ngokufaka esikhundleni samagama athi, "lo Mthethosisekelo", noma yikuphi lapho evela khona esigabeni sama236, amagama athi, "uMthethosisekelo omusha".

6. Ukuguqulwa kwesigaba sama 237 soMthethosisekelo owendulela lo –

(a) ngokufaka esikhundleni sendima (a) yesigatshana soku (1) indima elandelayo:

'(a) Ukuhlelwa kudidiyelwe zonke izinhlangano eziphawulwe esigabeni sama 236(1), ngaphandle kwemibutho yamasotsha ephawulwe esigabeni sama

224(2), kuzoqhubeka ngemuva kokuqala ukusebenza koMthethosisekelo waseNingizimu Afrika we 1996, ngenhloso yokusungula –

(i) ukuphathwa okusebenza ngempumelelo emkhakheni kahulumeni kazwelonke ukubhekana nezindaba ezingena ngaphansi kwesandla somkhakha kazwelonke;

(ii) ukuphatha okusebenza ngempumelelo kwesifundazwe ngasinye ukubhekana nezindaba ezingaphansi kwesandla sesifundazwe ngasinye.”; futhi

(b) ngokufaka esikhundleni sendinyana (i) yesigatshana sesi (2)(a)indinyana elandelayo:

‘(i) izinhlangano eziphawulwe esigabeni sama 236(1), ngaphandle kwemibutho yamasotsha, zizoba ngaphansi kukahulumeni kazwelonke, ozosebenzisa leso sibopho ngokubambisana nohulumeni bezifundazwe,’.

7. Ukuguqulwa kwesigaba sama 239 soMthethosisekelo owendulela lo ngokufaka esikhundleni sesigatshana sesi (4) isigatshana esilandelayo

‘(4) Ngokwencika nangokulandela yinoma yimuphi umthetho osebenzayo, izimpahla, amalungelo, imisebenzi kanye nezindleko zayo yonke imibutho ephawulwe esigabeni sama 224(2) zizokwehlela phezu koMbutho Kazwelonke Wezokuvikela ngokulandlela imiyalelo kaNgqongqoshe wezokuVikela.’.

ISHEDULI 6A

[Isheduli yesi 6 A ifakwe yisigaba sesi 6 soMthetho Weshumi Wokuchibiyela uMthethosisekelo we 2003 yaphinde yachithwa yisigaba sesi 6 soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we 2008]

ISHEDULI YESI-6B
KANYE NOKUGCWALISWA KWEZIKHALA

[ISheduli yesi 6B, ngaphambilini ebiyiSheduli yesi 6A, ifakwe yisigaba sesi 2 soMthetho Weshumi Nesishiyagalombili Wokuchibiyela uMthethosisekelo we 2002, yachibiyelwa yisigaba sesi 5 soMthetho Weshumi Wokuchibiyela uMthethosisekelo we 2003, yabe seyinikezwa inombolo entsha yesigaba sesi 5 soMthetho Weshumi Wokuchibiyela uMthethosisekelo we 2008 futhi yachithwa yisigaba sesi 5 soMthetho Weshumi Nanhlanu Wokuchibiyela uMthethosisekelo .]

ISHEDULI 7

IMITHETHO EPHELISIWE

INombolo kanye Nonyaka Womthetho	Isihloko
UMthetho wama-200 we- 1993	UMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1993
UMthetho wesi-2 we- 1994	UMthetho Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wesi-3 we-1994	UMthetho Wesibili Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho we-13 we-1994	UMthetho Wesithathu Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho we-14 we-1994	UMthetho Wesine Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wama-24 we-1994	UMthetho Wesithupha Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wama-29 we-1994	UMthetho Wesihlanu Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wama-20 we-1995	UMthetho Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1995
UMthetho wama-44 we-1995	UMthetho Wesibili Wokuchibiyela uMthethosisekelo WeRiphabhuliki yaseNingizimu Afrika, we-1995
UMthetho wesi-7 we- 1996	UMthetho Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1996
UMthetho wama-26 we- 1996	UMthetho Wesithathu Wokuchibiyela uMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika we-1996

IZIHLOKO

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