

NO. 58 WANGA-1995 : UMTSETFO WEMKHANDLU WETICU TASENINGIZIMU AFRIKA, 1995.

Lapha kuyatiswa kutsi uMengameli uye wemukela loMtsetfo lolandzelako loshicilelwe lapha njengesatso jikelele:-

UMTSETFO

Kuniketela kutfutukiswa nekusetjentiswa kweluHlakamsebenti lwaVelonkhe lwetiCu kantsi macondzana nalomsebenti kusungula uMkhandlu wetiCu taseNingizimu Afrika; kanye nekuniketela ngetindzaba lethambisana naloko.

(Lihumusho lesiNgesi lisayindwe nguMengameli.) (Wemukelwa ngamhlaka 28 Septemba 1995.)

AKUPHASISWEyiPhalamende yeRiphabhuliki yaseNingizimu Afrika, ngalokulandzelako:-

Tinchazelo

1. KuloMtsetfo, ngaphandle uma ingcikitsi ikhomba ngalokunye -
 - i. "uMkhandlu" kusho uMkhandlu wetiCu taseNingizimu Afrika losungulwe ngekulandzela sigaba 3; (viii)
 - ii. "inkapani" kusho inkapani nobe inkapani levalekile lebhaliwe ngaphasi kwanobe ngumuphi umtsetfo, leniketa ngemfundvo nobe ngekucecehwa kubasebenti nobe emakhasimende ayo; (v)
 - iii. "uMcondzisi-Jikelele" kusho uMcondzisi-Jikelele weTemfundvo; (i)
 - iv. "iNdvuna" kusho iNdvuna yeTemfundvo kantsi, ngekwenjongo yetigaba 4(2), 4(3), 4(4), 4(5), 4(6), 5(1)(c), 11, 13(2), 14 kanye na-15(2), iNdvuna yeTemfundvo ngekubonisana neNdvuna yeTemisebenti; (vi)
 - v. "LuHlakamsebenti lwaVelonkhe lwetiCu" kusho luHlakamsebenti lwaVelonkhe lwetiCu lolwemukelwe yiNdvuna kutsi kubhaliswe emazinga avelonkhe neticu; (vii)
 - vi. "umsebenti wekufundzisa lohlekile" kusho inhlango nobe inyunyani lelilunga leMkhandlu weBudlelwano eMsebentini weTemfundvo losungulwe ngekwMetsetfo weBudlelwano eMsebentini weTemfundvo, 1993, (uMtsetfo Nombolo 146 wanga-1993), futsi yemukelwe yiNdvuna ngekwenjongo yaloMtsetfo; (ii)
 - vii. "misiwe" kusho kumisa ngekwestetfomgomo; (x)
 - viii. "ticu" kusho kwemukelwa ngekwestetfo kwemphumelelo yelinani lelidzingekile kanye neluhlu lwekuphumelela kanye naletinye timfuneko kumazinga latsite eluHlakamsebenti lwaVelonkhe lwetiCu njengobe kungamiswa mitimba lefanelekile lebhaliwe loko nguMkhandlu wetiCu taseNingizimu Afrika; (iv)
 - ix. "bhalisiwe" kusho kubhaliswa ngekulandzela luHlakamsebenti lwaVelonkhe lwetiCu; (iii)
 - x. "lizinga" kusho titatimende letibhaliwe temphumela wemfundvo nekuceceha lokudzingekako kanye netinhlelo tato lethambisanako tekucubungula. (ix)

Tinhloso teluHlakamsebenti lwaVelonkhe lwetiCu

2. Tinhloso teluHlakamsebenti lwaVelonkhe lwetiCu ngunati-
 - a. kusungula luHlakamsebenti lwavelonkhe loluhlanganisele lwekuphumelela kutekufundza;
 - b. kuhlelembisa kutfolakala, kunyakata nekuchubekembili kumikhakha lemisiwe yetemfundvo, yekuceedsha kanye nyemisebenti;
 - c. kunconota lizinga letemfundvo nekuceedsha;
 - d. kunonophisa kulungiswa kwesimo sangaphambilini sekubandlulula ngalokungenabulungiswa kutemfundvo, kuceedsha nematfuba emsebenti; bese ngaloko
 - e. kufakwa ligalelo ekutfutukisweni ngalokuphelele kwemuntfu kulowo nalowo mfundzi kanye nekutfutukiswa ngekwetenhlahalakahle netemnotfo kwesive sonkhana.

Kusungulwa kweMkhandlu wetiCu taseNingizimu Afrika

3. Ngaloku kusungulwa umuntfومتsetfweni lotawubitwa ngeMkhandlu wetiCu taseNingizimu Afrika.

Kwakhiwa kweMkhandlu

4. (1) UMkhandlu utawuba nasihlalo lotawukhetfwa ngekulandzela sigatjana (2), nalawo malunga lakhetfwe ngekulandzela sigatjana (3) na-(4), kanye nesiphatsimandla lesilawulako lesikhethfwe ngekulandzela sigatjana (7).
 - (2) INdvuna itawukheta umuntfu lonsepilyoni naloyingcweti etinzabeni letimayelana nemsebenti weMkhandlu kutsi abe ngusihlalo waloMkhandlu.
 - (3) INdvuna itawukheta labantfu labalandzelako njengemalunga eMkhandlu ngendlela lemisiwe kusigatjana (4)-
 - a. linye lilunga lenenyulwe nguMcondzisi-Jikelele;
 - b. linye lilunga lenenyulwe tinhloko tematiko etemfundvo kumaphrovinsi;
 - c. linye lilunga lenenyulwe nguMcondzisi-Jikelele: Temisebenti;
 - d. linye lilunga lenenyulwe liBhodi laVelonkhe leTekuceceha;
 - e. emalunga lamabali lanyulwe tinhlango tavelonkhe letimele basebenti labahlelekile;
 - f. emalunga lamabali lanyulwe tinhlango tavelonkhe letimele emabhizisini lahlekile;
 - g. linye lilunga lenenyulwe liKomiti laboThishelanhloko bemaNyuvesi lelisungulwe ngekwesigaba 6 seMtsetfo wemaNyuvesi, 1955 (uMtsetfo Nombolo 61 wanga-1955);
 - h. linye lilunga lenenyulwe liKomiti laboThishelanhloko bemaTheknikoni lelisungulwe ngekwesigaba 2 seMtsetfo wemaTheknikoni, 1993 (uMtsetfo Nombolo 125 wanga-1993);
 - i. linye lilunga lenenyulwe ngumtimba wavelonkhe lomele baphatsi bemakolishi ebuthishela futsi labemukelwe yiNdvuna ngekwalenjongo;
 - j. linye lilunga lenenyulwe ngumtimba wavelonkhe lomele baphatsi bemakolishi ebuthetnikiki futsi labemukelwe yiNdvuna ngekwalenjongo;
 - k. linye lilunga lenenyulwe tinhlango tavelonkhe letimele emakolishi ngaphandle kwemakolishi ebuthishela newebuthetnikiki futsi letemukelwe yiNdvuna ngekwalenjongo;
 - l. linye lilunga lenenyulwe tinhlango tavelonkhe letimele umkhakha wemfundvo nekuceedhwa kwalabadzala futsi leyemukelwe yiNdvuna ngekwalenjongo;
 - m. linye lilunga lenenyulwe tinhlango tavelonkhe letimele umkhakha wekutfutukiswa kwebantwana futsi letemukelwe yiNdvuna ngekwalenjongo;
 - n. emalunga lamabali lanyulwe ngumkhakha wabothishela lohlekile;
 - o. emalunga lamabali lanyulwe tinhlango tavelonkhe letimele bafundzisi basemanyuvesi nasemakolishi kanye nebasecechi futsi letemukelwe yiNdvuna ngekwalenjongo;
 - p. linye lilunga lenenyulwe tinhlango tavelonkhe letimele umkhakha wetidzingo tetemfundvo letisipesheli futsi letemukelwe yiNdvuna ngekwalenjongo;
 - q. emalunga langengci kulatifupha lakhetfwe yiNdvuna ngekutsandza kwayo;
 - r. emalunga langengci kulamabali labutfwe nguMkhandlu ngekutsandza kwawo ase anconywa kuNdvuna kutsi akhetfwe.
 - (4) Ngekwenjongo yekufuna kwenyulwa njengobe kumisiwe kusigatjana (3), iNdvuna itawuniketa satiso kuMculu waHulumende ngenhloso yayo yekukheta emalunga eMkhandlu, futsi itawucela nobe ngumuphi umtimba nobe inhlango kulemikhakha lephawulwe kusigatjana (3) kutsi tiletise emagama ebantfu, ngenca yesipilyoni nebungcweti babo etinzabeni letimayelana nemsebenti waloMkhandlu, labangaba bantfu labafanelekile kutsi bakhetfwe njengemalunga aloMkhandlu kantsi ngekuniketwa kwemagama alabatawukhetfwa kutawuhlonishwa umgomo wekumelela.
 - (5) Ngekwenjongo yekufuna kwenyula njengobe kumisiwe kupharagrafu (n) yesigatjana (3), akumelanga kube nekwenyula lokungetulu kwakunye lokwentive yinhlango nobe yinyunyani yinye.
 - (6) Lilunga leMkhandlu kungafakhi ekhatsi siphatsimandla lesilawulako, litawuba sesikhundleni esikhatsini lesingengci iminyaka lemitsatfu, njengobe iNdvuna ingamisa ngalesikhatsi sekukheta, kantsi futsi lilunga lingaphinda likhetfwe kutsi libe lilunga kuleliny lithemu linye uma kuphela lithemu lalo lesikhundla lekucala.
 - (7) INdvuna, uma igcwalisa nobe ngusiphi sikhala, itawunaka timiso tesigatjana (3).
 - (8) Emalunga lacondvwe ngekwestigatjana (2) na-(3), ngekwekukela kweNdvuna, atawukheta umuntfu lofanelekile kutsi abe siphatsimandla lesilawulako ngekwebandzela yokusebenta lengamiswa nguMkhandlu ngekwekukela yiNdvuna, lokutawentwa ngekuvumelana neNdvuna yeTetimali.

Imisebenti yeMkhandlu

5. (1) Ngekuvumelana netimiso tesigatjana (2), uMkhandlu-
 - a. (i) utawengamela kutfutukiswa kweluHlakamsebenti lwaVelonkhe lwetiCu; futsi
(ii) utawusungula uphindze ushicilele tinchubomgomo netinhlelo-
 - aa. tekubhaliswa kwemitimba lenemtfwalo wekusungula emazinga nobe ticu tetemfundvo nekuceedsha; futsi
 - bb. tekwekukela kwemitimba lenemtfwalo wekucubungula nekubuyeketa imphumelelo mayelana nalawo mazinga nobe ticu;
 - b. tekwegamela kusetjentiswa kweluHlakamsebenti lwaVelonkhe lwetiCu, kufaka ekhatsi-
 - i. kubhaliswa nobe kwemukelwa kwemitimba lephawulwe kupharagrafu (a) kanye nekuniketwa kwemisebenti kuyo;
 - ii. kubhaliswa kwemazinga neticu tavelonkhe;
 - iii. tinyatselo tekucinisekisa kulandzela kwetimiso tekwekukela; kanye
 - iv. netinyatselo tekucinisekisa kutsi emazinga neticu letibhalisiwe tyafaneleka kumhlabawonkhe;
 - c. kweluleka iNdvuna ngetindzaba letitsantsa kubhaliswa kwemazinga neticu; kanye
 - d. nekuba nemtfwalo wekulawula timali teMkhandlu.
- (2) UMkhandlu utawuphokophelela tinhloso teluHlakamsebenti lwaVelonkhe lwetiCu njengobe kumisiwe kuSigaba 2 futsi utawenta imisebenti yaloMkhandlu njengobe kumisiwe kusigatjana (1)-
 - a. ngemuva kwekubonisa futsi ngekubambisana nematiko embuso, imitimba lemisiwe ngekwestetfo, tinkapani, imitimba netinhlango letinemtfwalo kutemfundvo, kuceceha kanye nekumiswa kwemazinga letitawutsintfwa luHlakamsebenti lwaVelonkhe lwetiCu;
 - b. ngekucaphela kufaneleka kwePhalamende yetishayamsetfo temaphrovinsi ngekulandzela sigaba 126 seMtsetfosisekelo, kanye nemalungelo, emagunya nemisebenti yetimimba lelawaloko enyuvesi nobe emanyuvesi kanye nasetheknikoni nobe ematheknikoni njengobe kumisiwe kunobe kumuphi uMtsetfo wePhalamende.

Imisebenti yesiphatsimandla lesilawulako

6. (1) Siphatsimandla lesilawulako-
 - a. sitawutiphendvulela kuMkhandlu ngekwenyulwa kwemisebenti yawo ngekulandzela loMtsetfo;
 - b. sitawuphatsa tiphatsimandla nebasebenti baloMkhandlu; futsi
 - c. sitawuba siphatsimandla lesitiphendvulelako seMkhandlu leseftheswe kutiphendulela ngetimali letemukelwe, kukhokhela lokwentiwe kanye netimpahla letitsengwe nguMkhandlu.
- (2) Siphatsimandla lesilawulako sitawelekelelwa ekwenteni imisebenti yaso ngekulandzela sigatjana (1) ngueto tiphatsimandla nebasebenti beMkhandlu njengobe lesiphatsimandla lesilawulako singamisela leyo njongo.

Emagunya eMkhandlu

7. (1)
 - a. UMkhandlu ungasungula emakomiti uphindze ukhetse bantfu lebangesiwo emalunga eMkhandlu kutsi babe ngemalunga alamakomiti.
 - b. UMkhandlu utawukheta sihlalo walelo nalelo kimiti.
 - c. UMkhandlu ungalakata nobe wakhe likomiti kabusha.
 - d. UMkhandlu unganiketa nobe nguwaphi kumagunya awo, ngaphandle kwemagunya laphawulwe kulesigaba, kunobe nguliphi lemakomiti awo, kepha angeke wemukwe lelo gunya leliniketwe kantsi ungakuhocisa loko kuniketwa kwelinye nobe nini.
 - e. UMkhandlu ungachibiyela nobe ucitse nobe ngusiphi sincumo selikomiti.
- (2) UMkhandlu ungasombulula imibango mayelana nekwenyulwa kwemisebenti yawo lephawulwe kusigaba 5.
- (3) UMkhandlu ungatsenga uphindze utsengise tintfo letidzingekako.
- (4) UMkhandlu ungasugcutela kutsi kwentiwe lucwano lolubona lufanelekile mayelana nekwenyulwa kwemisebenti yawo.
- (5) UMkhandlu ungenta nobe ngumuphi lomunye umsebenti longaniketwa yiNdvuna ngekufaneleka ngaphasi kweluHlakamsebenti lwaVelonkhe lwetiCu.

Imihlangano yeMkhandlu nyemakomiti

8. (1) Imihlangano yeMkhandlu nobe yelikomiti itawubanjwa ngetikhatsi nasetindzaweni njengobe sihlalo waloMkhandlu nobe walelo komiti, kuye ngekutsi ngumuphi, angancuma.
 - (2) Konkhe lokuchubeka emhlanganweni weMkhandlu nobe welikomiti angeke kutsatfwe njengelite ngenca yekutsi bekunesikhala kuMkhandlu nobe ekomitini, kuye ngekutsi ngikuphi.
 - (3) Uma sihlalo weMkhandlu nobe welikomiti angekho kunobe ngumuphi umhlangano weMkhandlu nobe welikomiti, kuye ngekutsi ngikuphi, emalunga lakhona atawukheta umuntfu emkhatsini wawo lotawengamela lowo mhlango.
 - (4) UMkhandlu ungamisa imitsetfosimiso mayelana netinchobo temihlangano yawo nge imihlangano yelikomiti, kufaka ekhatsi ikhoramu yaleyo mihlangano.

Kushiya kwetikhundla ngemalunga eMkhandlu

9. Sihlalo nobe nguliphi lilunga lemtimba leiphawulwe kusigaba 4(3) utawushiya sikhundla sakhe uma-
 - a. impahla yakhe idliwa nobe enta kutincengela nalabo labakweletako;
 - b. avalelwa njengemuntfu longakaphela kahle enzanconveni ngekulandzela sigaba 10(5) (a) na-(b); kanye;
 - c. angabi khona emihlanganweni letitsatfa lelandzelanako yeMkhandlu ngaphandle kwemuvunyiwe nguMkhandlu;
 - d. ahocisa ngekuniketa satiso lesibhaliwe kuNdvuna; nobe
 - e. atfolakala, ngesikhatsi lekuphokha sikhundla, anelicala ngesephulomtsetfo bese agwetjwa kuyovalelwa ejele ngelaphakhe kwelitfuba sekuphokha inhlawulo.

Timali teMkhandlu

10. (1) Timali taloMkhandlu titawuba nanaku-
 - a. timali letiphakelwe yiPhalamende khona kutawuphonyeleliswa tinhloso teMkhandlu;
 - b. timali letemukelwe nguMkhandlu ngekulandzela timisongomo lententiwe ngekulandzela Sigaba 14;
 - c. timali letitfofwe ngetimandla tekubolekisa lokwentiwe nguMkhandlu ngemuvu yeNdvuna, leniketa ngekwesekela kweNdvuna yeTetimali;
 - d. timali letikhongotelwe nobe timali tekubonelelwa letemukelwe nguMkhandlu; kanye
 - e. nentalo kutimali letitjalwe.
- (2) UMkhandlu utawusebentisa timali tawo kutsi ukhokhele tindleko letimayelana nekwenyulwa kwemisebenti yawo.
- (3)
 - (a) UMkhandlu, kulowo nalowo mnyakamabhuku, ngesikhatsi nangendlela lengamiswa yiNdvuna, utawuniketa ngesitatimende semalingena nencitfomali yawo lelinganisiwe macondzana nemnyaka lolandzelako kutsi iNdvuna isemukele.
 - (b) Letimali letiphawulwe kusigatjana (1)(a) titawusetjentiswa nguMkhandlu ngekulandzela sitatimende lesemukelwe lesiphawulwe kupharagrafu (a), kantsi imali yemahlelele isale kungakalandzeli itawudluzelwa kulomnyakamabhuku lolandzelako njengemali leyongiwe.
- (4) Ngekuvumelana netimiso tesigatjana (3)(b), uMkhandlu ungaljala nobe nguyiphi incenye yetimali tawo ngendlela iNdvuna, ngekwesekela kweNdvuna yeTetimali, ingakwemukela.
- (5) UMkhandlu ungalakhokhisa imali nobe ungalikhokhisi-
 - a. ngekuniketwa kwekubhaliswa nobe kwemukelwa; kanye
 - b. nganobe ngumuphi imisebenti leyentiwa nguMkhandlu.

Tiphatsimandla nebasebenti beMkhandlu

11. UMkhandlu, ngekuvumelana nemibandzela yokusebenta lemisiwe nguMkhandlu ngekwekukela yiNdvuna nekwesekela kweNdvuna yeTetimali, ungasasha leto tiphatsimandla nebasebenti njengobe uMkhandlu ungangona kudzingekile ekwenteni imisebenti yawo ngekulandzela loMtsetfo.

Tibonelelo lekukhokhelwa kwemalunga eMkhandlu nemakomiti

12. Sihlalo, lelo nalelo lilunga leMkhandlu kanye nanobe ngumuphi umuntfu lokhetfwe njengelilinga lelikomiti ngaphasi kwesigaba 7(1) longasebenti ngalokugcwele eMbusweni, mayelana nemisebenti layentile mayelana netindzaba teMkhandlu nobe likomiti, angakhokhelwa nguMkhandlu-
 - a. leto tibonelelo lekukhokhelwa, tekudla nalokunye; kantsi
 - b. linye ngusiphilwa weMkhandlu, loku kukhokhelwa kwengengetwe, njengobe iNdvuna nekwesekela kweNdvuna yeTetimali bangancuma.

Luhlolomabhuku nembiko wemnyaka

13. (1) Emabhuku timali nkatimende tetimali teMkhandlu atawuhlolwa nguMhlozimabhuku-Jikelele ekupheleni kwalowo nalowo mnyakamabhuku.
 - (2) UMkhandlu utawuniketa iNdvuna umbiko kungakapheli tityanga letisitfupha ekupheleni kwemnyakamabhuku ngendlela iNdvuna letawunumka ngayo mayelana nemisebenti yomuntfu lowo mnyakamabhuku, kufaka ekhatsi sitatimende sesimo setetimali lesihloliwe kanye nesitatimende semalingena nencitfomali lesihloliwe.
 - (3) INdvuna itawetfula emakhophi alowo mbiko, kufaka ekhatsi sitatimende sesimo setetimali nesitatimende semalingena nencitfomali letiphawulwe kusigatjana (2), ePhalamende kungapheli tinsuku letingu-14 ngemuva kwekwekukela uma iPhalamende ikusesihoni leyetayekekile, nobe, uma iPhalamende ingekho kusesihoni leyetayekekile, kungakapheli tinsuku letingu-14 ngemuva kwekucala kweseshoni leyetayekekile lelandzelako.

Imitsetfomgomo

14. UMkhandlu, ngekwekukela kweNdvuna, ungenta imitsetfomgomo lemayingelana naloko -
 - a. nobe ngulumela ludzaba lohlezwe ngekulandzela nobe lolulunywe lelandzela kulowo kusigaba 10(5) (a) na-(b); kanye;
 - b. timali letitfofwe tikhokhelwa nguMkhandlu ngemuvu netindzaba letiphawulwe kusigaba 10(5) (a) na-(b); kanye;
 - c. nanobe nguluphi ludzaba lokudzingekile kutsi lube nemsetfomgomo khona kutawuphonyeleliswa timiso taloMtsetfo.

Timiso tesikhshana mayelana nemitimba levele ikhona

15. (1) Nobe ngumuphi umtimba losungulwe ngekwestetfo lowenta imisebenti lefana naleyo yaloMkhandlu njengobe iphawulwe kusigaba 5 utawuchubeka kwenta leyo misebenti kuze kutsi lowo mtimba ucitfwe nobe imisebenti yawo iguculwe ngekwestetfo.
 - (2) Akukho umtimba loiphawulwe kusigatjana (1) lotawucitfwa nobe imisebenti yemtimba lonjalo iguculwe ngaphambi kwekutsi uMkhandlu nalowo mtimba ngekuhlanguyelwa ihlole imiphumela yaloko kucitfwa nobe kuguculwa kanye nekusetjentiswa kweluHlakamsebenti lwaVelonkhe lwetiCu kanye nekutsi yente tincomo kuNdvuna.
 - (3) Lesigaba angeke sisebente kunobe ngumuphi umtimba losungulwe ngekwestetfo wangasese wenyuvesi

Sihloko lesifisha

16. LoMtsetfo utawubitwa ngeMtsetfo weMkhandlu wetiCu taseNingizimu Afrika, 1995.