UMTHETHOSIVIVINYO

WOBUHOLI BOMDABU NOKUBUSA WAKWAZULU-NATALI, 2013

UMTHETHOSIVIVINYO

Wokuhlinzekela ukwamukelwa ngokusemthethweni kweziZwe, kobuholi bomdabu, nokwethulwa kwezikhungo zomdabu; wokuhlinzekela uhlaka lokulawula ukwabiwa nokunqunywa kwamajoka, kwamandla nemisebenzi, kanye nokwabiwa kwemisebenzi yemikhandlu yomdabu, yabaholi bomdabu neyezinye izinhlaka zobuholi bomdabu; wokuhlinzekela uhlaka lokusungulwa, lokuhlonyiswa ngamakhono kanjalo nokwesekwa kwemikhandlu yomdabu, kwabaholi bomdabu nezinye izinhlaka zobuholi bomdabu; wokuhlinzekela ukusungulwa kweNdlu yabaHoli boMdabu yesiFundazwe, kweziNdlu zabaHoli boMdabu zeziFunda, kanye neKhomishana yokuXazulula ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu; wokuthwesa amajoka, amandla nemisebenzi, kanjalo nokwabela lezi zikhungo imisebenzi; wokuhlinzekela uhlaka lokusungulwa, lokuhlonyiswa ngamakhono nokwesekwa kwalezi zikhungo; wokuhlinzekela uhlaka olufanele lokweseka ukusebenzisana nokubusa ngokubambisana phakathi kwalezi zikhungo ezingenhla nohulumeni wesifundazwe; wokuhlinzekela umgomo wokuziphatha; wokuhlinzekela iqhaza lamalungu emiphakathi yomdabu; wokuhlinzekela amandla okulawula kaNdunankulu neLungu loMkhandlu oPhethe; wokuhlinzekela ukudluliselwa kwamandla, kwemisebenzi nezivumelwano; wokuhlinzekela izinhlelo zokuxazulula ukungaboni ngasolinye; wokuhlinzekela amacala nezinhlawulo; wokuhlinzekela izinhlelo zesikhashana; wokuhlinzekela ukuchitshiyelwa noma ukuchithwa komthetho osebenzayo wesifundazwe; nokuhlinzekela okunye okuphathelene nalokho.

ISENDLALELO

NJENGOBA isiFundazwe saKwaZulu-Natali, ngokuhambisana noMthethosisekelo, neNqubomgomo kaZwelonke ewuHlaka kanye noMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003 (uMthetho No. 41 ka 2003), sikuhlonipha ukuba khona kweziZwe esiFundazweni, futhi sihlose –

- ukuhlonipha, ukuvikela, ukonga, ukuguqula, kanjalo nokuhlinzeka ngezimo ezivumela ukubunjwa kweziZwe, ukusungulwa kwezikhungo zomdabu, kwemithetho yomdabu namasiko;
- ukucacisa ngendawo neqhaza lobuholi bomdabu embusweni wentando yeningi

eNingizimu Afrika; kanye

- nokubuyisa isithunzi nokuhlonipheka kwesikhungo sobuholi bomdabu ngokuhambisana nemithetho yomdabu namasiko,

NGAKHO-KE MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

UKUHLELEKA KWEZIGABA

Isigaba

ISAHLUKO 1

IZINCAZELO, UKUSEBENZA KOMTHETHO NEZINQUBOMGOMO ELANDELWAYO

1. Izincazelo
2. Ukusebenza komthetho
3. Imigomo eyimikhombandlela

ISAHLUKO 2

UKWAMUKELWA NGOKUSEMTHETHWENI NOKUHOXISWA KWESIZWE

4. Ukubekwa nokuhoxiswa esikhundeni sobuNgonyama
5. Ukwamukelwa ngokusemthethweni kwesiZwe
6. Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiZwe
7. Ukwamukelwa ngokusemthethweni kwesiZwe esincane
8. Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiZwe esincane
9. Ukwamukelwa ngokusemthethweni kwesiGodi
10. Ukuhoxiswa kokwamukewa ngokusemthethweni kwesiGodi

ISAHLUKO 3

ABAHOLI BOMDABU

11. Ukubekwa nokukhokhelwa kwabaholi bomdabu
12. Ukuhlonzwa, ukubekwa nokwehliswa esihlalweni kweSilo
13. Ukuhlonzwa nokubekwa kweNkosi
14. Ukuhlonzwa nokubekwa kwesiPhakanyiswa
15. Ukuhlonzwa nokubekwa kweNduna

16. Ukuhlonzwa nokubekwa kweSo leSilo neSo leNkosi
17. Ukuhlonzwa nokubekwa kweBambabukhosi, iBambela neSekela leNkosi
18. Izizathu zokwehliswa esihlalweni kwabaholi bomdabu
19. Ukwehliswa esihlalweni kweNkosi
20. Ukwehliswa esihlalweni kwesiPhakanyiswa
21. Ukwehliswa esihlalweni kweNduna
22. Ukwehliswa esihlalweni kweSo leSilo neSo leNkosi
23. Ukwehliswa esihlalweni kweBambabukhosi, kweBambela neSekela leNkosi

ISAHLUKO 4

UKUSUNGULWA, UKUBUNJWA NOKUBEKWA KWEMIKHANDLU YAMAKHOSI NEMIKHANDLU YOMDABU

24. Ukusungulwa, ukubunjwa nokubekwa kwemikhandlu yamakhosi
25. Ukusungulwa, ukubunjwa nokubekwa kwemikhandlu yomdabu
26. Ukushiywa kwezikhundla nokugcwaliswa kwezikhala
27. Ukuhoxiswa kwemikhandlu yomdabu

ISAHLUKO 5

AMAJOKA, AMANDLA NEMISEBENZI YABAHOLI BOMDABU

28. Amajoka, amandla nemisebenzi yeSilo
29. Amajoka, amandla nemisebenzi yeNkosi
30. Amajoka, amandla nemisebenzi yeBambabukhosi, yeBambela, yeSekela leNkosi neSo leSilo
31. Ukwabiwa kwamajoka, amandla nemisebenzi yeBambabukhosi, yeBambela, yeSekela leNkosi neSo leSilo izinhlaka zombuso
32. Amajoka, amandla nemisebenzi yeNduna
33. Amajoka, amandla nemisebenzi yemikhandlu yomdabu
34. Ukusebenzisana phakathi komasipala nemikhandlu yomdabu
35. Ukwesekwa kwemikhandlu yomdabu
36. Imihlangano yemikhandlu yomdabu
37. Amaminithi emihlangano
38. Ukukhokhelwa kwamalungu emikhandlu yomdabu izindleko zokuhamba ngomsebenzi

ISAHLUKO 6

IZINDLU ZABAHOLI BOMDABU

39. Ukusungulwa nobulungu kwiNdlu yabaHoli boMdabu yaKwaZulu-Natali
40. Ukubunjwa nezikhundla zeNdlu yesiFundazwe
41. Ukufaneleka ukuba yilungu leNdlu yesiFundazwe
42. Ukwehliswa esihlalweni kwiNdlu yesiFundazwe
43. Ukugcwaliswa kwezikhala kwiNdlu yesiFundazwe
44. Ukukhethwa kukaSihlalo neKomidi eliPhezulu leNdlu yesiFundazwe
45. Isimo samalungu eNdlu yesiFundazwe
46. Ukukhethwa kwezithunywa kwiNdlu kaZwelonke
47. Imihlangano yeNdlu yesiFundazwe
48. Imithetho yeNdlu yesiFundazwe
49. Amaqhaza, amandla namajoka eNdlu yesiFundazwe
50. Ezokuphatha nesibopho sokubika seNdlu yesiFundazwe
51. Ukuholelwa, izibonelelo nemihlomulo ekhokhelwa amalungu eNdlu yesiFundazwe
52. Ukwesekwa kweNdlu yesiFundazwe
53. Ukusungulwa kweziNdlu zeziFunda zabaHoli boMdabu
54. Ukubunjwa nekomidi eliphethe leNdlu yesiFunda
55. Imihlangano yeNdlu yesiFunda
56. Amaqhaza, amandla namajoka eNdlu yesiFunda
57. Ukudluliselwa kwemithetho esahlongozwa kwiNdlu yesiFundazwe nakwiziNdlu zeziFunda

ISAHLUKO 7

IKHOMISHANA YESIFUNDAZWE SAKWAZULU-NATALI EBHEKELE UKUNGABONI NGASOLINYE NEZIMANGALO EZIPHATHELENE NOBUHOLI BOMDABU

58. Ukusungulwa kweKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu
59. Ukubunjwa nesikhathi sokusebenza kweKhomishana yesiFundazwe
60. Imihlangano nemithetho yeKhomishana
61. Izikhala kanye nokugcwaliswa kwezikhala
62. Amandla namajoka eKhomishana
63. Ukwesekwa kweKhomishana

64. Ukuxoshwa kwamalungu eKhomishana

ISAHLUKO 8

IZINHLINZEKO EZEJWAYELEKILE

65. Isifungo sokuthatha isikhundla
66. Imigomo yokuziPhatha
67. Amandla oMkhandlu oPhethe okubizela abaholi bomdabu esigcawini
68. Uphenyo ngokungaziphathi kahle
69. Ukumiswa komholi womdabu
70. Ukwephulwa komgomo wokuziphatha
71. Izimali eziqoqwa kumalungu eziZwe
72. Amandla okushaya imithetho
73. Ukuzimela ngokoMthetho
74. Izimpahla, izikweletu nezinsiza
75. Ukudluliselwa kwamandla, kwe-ejensi kanye nezivumelwano zokuhlinzekwa kwezidingo
76. Ukuxazululwa kokungaboni ngasolinye
77. Izivumelwano phakathi kwezifundazwe
78. Amacala nezinhlawulo
79. Izinhlinzeko zesikhashana
80. Ukuchitshiyelwa nokuchithwa kwemithetho
81. Isihloko esifingqiwe

IZINHLELO

Uhlelo 1: Isicelo sokwamukelwa ngokusemthethweni njengesiZwe
Uhlelo 2: Imikhombandlela yokuqoka ozobekwa esihlalweni soBukhosi
Uhlelo 3: Ukumenyezelwa kweBambabukhosi
Uhlelo 4: Inqubo yokunqunywa kwesibalo samalungu oMkhandlu woMdabu
Uhlelo 5: Amalungu akhethiwe eNdlu yobuHoli boMdabu esiFundazweni saKwaZulu-Natali
Uhlelo 6: Umgomo wokuziPhatha wabaHoli boMdabu namaLungu eMikhandlu yoMdabu
Uhlelo 7: Umgomo wokuziPhatha wamaLungu eziNdlu zabaHoli boMdabu
Uhlelo 8: Ukuchithwa kwemithetho

ISAHLUKO 1

IZINCAZELO, UKUSETSHENZISWA NEMIGOMO EYIMIKHOMBANDLELA

Izincazelo

1.(1) Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile –

“**indawo isiZwe esingaphansi kwayo**” kushiwo indawo ngokomthetho isiZwe esingaphansi kwayo njengoba kuhlongozwe esigabeni 5(2)(a), umkhandlu womdabu njengoba kuhlongozwe esigabeni 25(8), neNdlu yobuHoli boMdabu yesiFunda njengoba isungulwe ngokwesigaba 53;

“**uSihlalo womkhandlu womdabu**” kushiwo umholi womdabu ngokwesikhundla sakhe ongusihlalo womkhandlu womdabu, kubandakanya –

(a) iNkosi;
(b) isiPhakanyiswa;
(c) iBambabukhosi;
(d) iBambela;
(e) iSekela leNkosi; kanye
(f) neSo leSilo;

“**uMgomo wokuziPhatha**” kushiwo uMgomo wokuziPhatha oqukethwe oHlelweni 6 no 7 kulo Mthetho;

“**iKhomishana**” kushiwo iKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu esungulwe esigabeni 58;

“**uMthethosisekelo**” kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996);

“**umthetho wesintu**” kushiwo lowo mthetho wesintu othathwa njengobophezelayo, futhi osebenza kuwona wonke amalungu esiZwe esithile noma ngabe uyingxenye yalo Mthetho noma cha;

“**amasiko**” kushiwo izenzo zesintu ezilandelwa yisiZwe esithile, noma ngabe zibaluliwe kulo Mthetho noma cha;

“**uMnyango**” kushiwo umnyango kuHulumeni wesiFundazwe saKwaZulu-Natali obhekele ezoMdabu;

“**umasipala wesifunda**” kushiwo umasipala onamandla okuphatha njengomasipala futhi onamandla ngokomthetho endaweni enomasipala basekhaya abangaphezu kowodwa, njengoba kuhlongozwe esigabeni 5 soMthetho wokuNqunywa kweziNhlobo zoMasipala waKwaZulu-Natali, 2000 (uMthetho No. 7 ka 2000), futhi ochazwe njengomasipala ongaphansi komkhakha C esigabeni 155(1)(c) soMthethosisekelo;

“**ithimba elithatha izinqumo ezisemqoka**” kushiwo ithimba elithatha izinqumo ezisemqoka elibunjwe amalungu amadala aleso siZwe abekwe njengoba kuhlongozwe esigabeni 5;

“**uMkhandlu oPhethe**” kushiwo uMkhandlu oPhethe wesiFundazwe saKwaZulu-Natali;

“**uhulumeni**” kushiwo amazinga kahulumeni kuzwelonke, esifundazweni nohulumeni basekhaya njengoba kuhlongozwe esigabeni 40(1) soMthethosisekelo;

“**iNhloko yoMnyango**” kushiwo isikhulu esiqokelwe esihlalweni esiphezulu somnyango kuHulumeni wesiFundazwe saKwaZulu-Natali esibhekele ezoMdabu;

“**indlu**” kushiwo indlu njengoba ibunjwe iNkosi ngokubonisana noMndeni weNkosi ngokulandela amasiko nemithetho yesintu;

“**iBambabukhosi**” kushiwo umuntu ohlongozwe esigabeni 17;

“**iBambela**” kushiwo umuntu ohlongozwe esigabeni 17;

“**imbizo**” kushiwo umhlangano wamalungu esiZwe obizwe umholi womdabu othile;

“**iNduna**” kushiwo umuntu obekwe njengeNduna yesiGodi esithile njengoba kuhlongozwe esigabeni 15;

“**iNkosi**” kushiwo umuntu ohlongozwe esigabeni 13;

“**isikhungo**” kushiwo noma isiphi isikhungo esisungulwe noma esethulwe ngokusemthethweni ngokwalo Mthetho, kodwa asibabandakanyi isiZwe nomholi womdabu;

“**iSekela leNkosi**” kushiwo ohlongozwe esigabeni 17;

“**isiGodi**” kushiwo iwadi eklanywe ngokomdabu ngaphansi kwendawo elawulwa umkhandlu womdabu, njengoba kuhlongozwe esigabeni 9;

“**iSilo**” kushiwo umuntu obekwe njengeNgonyama yaKwaZulu-Natali ngokwesigaba 12;

“**isiPhakanyiswa**” kushiwo umuntu okhethwe ngokwesigaba 14;

“**isiZwe**” kushiwo umphakathi womdabu ohlongozwe esigabeni 5;

“**iSo leNkosi**” kushiwo umuntu oyiSo leNkosi njengoba kuhlongozwe esigabeni 16;

“**KwaZulu-Natali**” kushiwo isiFundazwe saKwaZulu-Natali;

“**umthetho**” kushiwo umthetho kazwelonke, wesifundazwe noma kamasipala, okungaba umthetho omkhulu noma ongaphansi kwawo;

“**iNdlu yesiFunda**” kushiwo iNdlu yesiFunda yabaHoli boMdabu esungulwe ngokwesigaba 53;

“**umasipala wasekhaya**” kushiwo umasipala owabelana amagunya namandla ngokusemthethweni nomasipala wesifunda ngaphansi kwendawo ekuwo, njengoba kuhlongozwe esigabeni 4 soMthetho wokuNqunywa kweziNhlobo zoMasipala, 2000

(uMthetho No. 7 ka 2000), futhi ochazwe njengomasipala ongaphansi komkhakha B esigabeni 155(1)(b) soMthethosisekelo;

"**umasipala womkhandludolobha**" kushiwo umasipala onegunya namandla ehlukile endaweni ongaphansi kwayo, njengoba kuhlongozwe esigabeni 3 soMthetho wokuNqunywa kweziNhlobo zoMasipala, 2000 (uMthetho No. 7 ka 2000),futhi ochazwe njengomasipala ongaphansi komkhakha A esigabeni 155(1)(a) soMthethosisekelo;

"**umkhandlu kamasipala**" kushiwo umkhandlu kamasipala njengoba kuhlongozwe kwiSahluko 7 soMthethosisekelo;

"**umasipala**" kushiwo umasipala njengoba kuhlongozwe kwiSahluko 7 soMthethosisekelo, futhi ubandakanya imingcele yamawadi kumasipala othile;

"**amakomidi amawadi omasipala**" kushiwo amakomidi amawadi omasipala asungulwe njengoba kuhlongozwe esigabeni 73 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

"**iKhomishana kaZwelonke**" kushiwo iKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu njengoba kuhlongozwe esigabeni 22 soMthetho woHlaka lobuHoli boMdabu nokuBusa, 2003 (uMthetho No. 41 ka 2003);

"**iNdlu kaZwelonke**" kushiwo iNdlu yabaHoli boMdabu kaZwelonke njengoba kuhlongozwe esigabeni 212(2)(a) soMthethosisekelo futhi esungulwe njengoba kuhlongozwe eMthethweni weNdlu yabaHoli boMdabu kaZwelonke, 1997 (uMthetho No. 10 ka 1997);

"**uNdunankulu**" kushiwo uNdunankulu waKwaZulu-Natali;

"**okunqunyiwe**" kushiwo okunqunyiwe ngohlelo, ngomthethonqubo noma ngesaziso njengoba kuhlongozwe kulo Mthetho;

"**isiFundazwe**" kushiwo isiFundazwe saKwaZulu-Natali;

"**iGazethi yesiFundazwe**" kushiwo *iGazethi* esemthethweni yesiFundazwe saKwaZulu-Natali;

"**iNdlu yesiFundazwe**" kushiwo iNdlu yabaHoli boMdabu yesiFundazwe njengoba kuhlongozwe esigabeni 39;

"**iLungu loMkhandlu oPhethe**" kushiwo iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali elibhekele ezoMdabu;

"**umndeni waseNdlunkulu**" kushiwo isikhungo somdabu ngokomthetho wesintu namasiko esiZulu, esibhekele ukuhlonza oyolandela iSilo;

"**uNobhala weNdlu yesiFundazwe**" kushiwo inhloko yezokuphatha yeNdlu yabaHoli boMdabu yesiFundazwe, eqokwe ngokwesigaba 50;

"**isiZwe esincane**" kushiwo isiZwe esincane somdabu esihlongozwe esigabeni 7;

"**lo Mthetho**" kubandakanya nezinhlelo zalo Mthetho, nanoma imiphi imithethonqubo eyenziwe nezaziso ezikhishwe njengoba kuhlongozwe kulo Mthetho;

"**umkhandlu womdabu**" kushiwo umkhandlu osungulwe njengoba kuhlongozwe esigabeni 25;

"**isikhungo somdabu**" kushiwo, noma ngabe sethulwe ngokwalo Mthetho noma cha, noma ngabe sisungulwe ngokomthetho wesintu namasiko osebenzayo aleso siZwe, njengoba kuhlongozwe esigabeni 3 noma cha;

"**umholi womdabu**" kushiwo umuntu obekwe kwiSahluko 3 salo Mthetho njengomholi womdabu;

"**uMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003**" kushiwo uMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003 (uMthetho No. 41 ka 2003);

"**ubuNgonyama**" kushiwo ubuNgonyama njengoba kuhlongozwe esigabeni 4; kanti

"**uMndeni**" kushiwo uMndeni weNkosi noma uzalo lweNkosi yesiZwe esithile owamukelwe njengoba kuhlongozwe esigabeni 4, ngaphandle komndeni waseNdlunkulu, futhi kubandakanya –

(a) indlunkulu lapho ubuKhosi bukhona, okuyiyona enquma ngezindaba ezithinta ubuKhosi, futhi ibandakanya okungenani -

(i) uNdlunkulu noma oNdlunkulu beNkosi, abantwana, abafowabo nodadewabo beNkosi ebusayo, kubandakanya nabazalwa nguyise weNkosi ngaphandle komshado;

(ii) uyise noyisemkhulu weNkosi ebusayo, uma besaphila; kanye

(iii) nabafowabo nodadewabo bayise noyisemkhulu weNkosi ebusayo; kanye

(b) nanoma iyiphi enye indlu noma izindlu, kuncike emithethweni yesintu noma emasikweni asetshenziswa yilowo mndeni othintekayo, ezakhiwe yisizukulwane sokhokho abafanayo basendlunkulu, abanolwazi mayelana nezinqumo zendlunkulu eziphathelene nobuKhosi.

(2) Igama elisho ubunye libandakanya nobuningi nelisho ubuningi libandakanya nobunye.

Ukusebenza komthetho

2. Lo Mthetho usebenza esiFundazweni njengoba kuhlongozwe kuMthethosisekelo futhi ulawulwa yiLungu loMkhandlu oPhethe.

Imigomo eyimikhombandlela

3.(1) Zonke iziZwe, abaholi bomdabu, izikhungo zomdabu ezisungulwe noma ezamukelwe ngokusemthethweni ngokwalo Mthetho, nazo zonke izikhungo zomdabu ezingazange zisungulwe noma zamukelwe ngokusemthethweni ngokwalo Mthetho kodwa ezisungulwe ngokuhambisana namasiko nemithetho yomdabu esetshenziswa yileso naleso siZwe, kumele zishintshe futhi zisungule amasiko nemithetho yomdabu namasiko ahambisana noMthethosisekelo, ikakhulukazi ngokuthi –

(a) kugwenywe ukucwasana okungafanele;

(b) kugqugquzelwe ukulingana; futhi

(c) kuzanywe ukugqugquzela ukuba ubulili obahlukahlukene bumeleleke ezikhundleni zobuholi bomdabu.

(2) Akukho sikhungo somdabu noma mholi womdabu oyogqugquzela noma enzelele noma iyiphi inhlangano yezepolitiki.

(3) Zonke izikhungo zomdabu nabaholi bomdabu ababekwe njengoba kuhlongozwe kulo Mthetho kumele uma benza imisebenzi yabo, befeza amajoka abo, noma besebenzisa amandla abo –

(a) basebenzise imigomo yokubusa ngokubambisana neyobudlelwane obuhle phakathi kwezinhlaka zikahulumeni njengoba kuhlongozwe kwiSahluko 3 soMthethosisekelo nakunoma imuphi omunye umthetho osetshenziswayo; futhi

(b) babe qotho futhi bagcine baphinde basebenzise imigomo elawula uhulumeni njengoba kuhlongozwe kwiSahluko 10 soMthethosisekelo nanoma imuphi omunye umthetho osetshenziswayo.

ISAHLUKO 2
UKWAMUKELWA NGOKUSEMTHETHWENI NOKUHOXISWA KWESIZWE

Ukwamukelwa ngokusemthethweni nokuhoxiswa kobuNgonyama

4. Izinhlinzeko zesigaba 2A soMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003, ziyasebenza uma kwamukelwa ngokusemthethweni noma kuhoxiswa ubuNgonyama esiFundazweni.

Ukwamukelwa ngokusemthethweni kwesiZwe

5.(1) Umphakathi ungathathwa uNdunankulu njengesiZwe uma –

(a) usebenzisa uhlelo lobuholi bomdabu njengoba kuhlongozwe emithethweni yomdabu emasikweni yalowo mphakathi;

(b) ulandela uhlelo lwemithetho yomdabu;

(c) wona uzibona njengesiZwe esinomlando owaziwayo, kusukela esikhathini esithize kuze kube manje, owehlukile kunowezinye iziZwe;

(d) indawo esikuyona ingeyaso; futhi

(e) sineziGodi eziphethwe yiziNduna.

(2)(a) UNdunankulu, ngemuva kokubonisana nabantu nemigwamanda ehlongozwe endimeni (b), angemukela ngokusemthethweni umphakathi ohlongozwe kwisigatshana (a) njengesiZwe esihlala endaweni ethile ngesaziso *kwiGazethi yesiFundazwe* –

(i) uma lowo mphakathi ufaka isicelo ngencwadi, ngendlela ehambisanayo noHlelo 1; noma

(ii) uma enquma ukubumba umphakathi owodwa noma ngaphezulu njengoba kuhlongozwe esigabeni 6(3).

(b) Noma isiphi isicelo esihlongozwe endimeni (a) kumele sihambisane nesicelo sokubekwa kweNkosi yalowo mphakathi othintekayo.

(c) Noma isiphi isinqumo sikaNdunankulu njengoba kuhlongozwe endimeni (a) kumele sithathwe ngemuva kokubonisana –

(i) neLungu loMkhandlu oPhethe;

(ii) nomphakathi othintekayo;

(iii) neNdlu yesiFunda elawula indawo lowo mphakathi okuyona;

(iv) neNdlu yesiFundazwe; kanye

(v) neSilo.

(d) Ngaphambi kokuthatha isinqumo esihlongozwe endimeni (a), uNdunankulu angaqoka umuntu noma abantu abazimele abazokwenza uphenyo ukuze kutholakale ukuthi leso siZwe siyahambisana yini nenqubo ehlongozwe kwisigatshana (1).

(e) UNdunankulu kumele athathe isinqumo mayelana nokwamukelwa kwalowo mphakathi ngesikhathi esifanele, abhekelele izimo nohlobo lwesicelo.

(f) Uma kwenzeka uNdunankulu –

(i) egunyaza isicelo esibhalwe phansi, kumele azise umfakisicelo othintekayo ngencwadi ngesinqumo sakhe, futhi ashicilele isaziso *kwiGazethi* yesiFundazwe njengoba kuhlongozwe kwisigatshana (2)(a); noma

(ii) echitha isicelo esibhalwe phansi, kumele azise umfakisicelo othintekayo ngencwadi ngesinqumo sakhe sokuchitha isicelo ezinsukwini ezingama-60 ethathe isinqumo esihlongozwe endimeni (e).

Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiZwe

6.(1) UNdunankulu, ngemuva kokubonisana neLungu loMkhandlu oPhethe, angahlela ukuhoxisa ukwamukelwa ngokusemthethweni kwesiZwe uma ethola isicelo –

(a) saleso siZwe esithintekayo;

(b) seziZwe ezimbili ezifisa ukuba zihlanganiswe zibe yisiZwe esisodwa;

(c) sesiZwe esifisa ukuba sihlukaniswe sibe yiziZwe ezingaphezu kwesisodwa; noma

(d) sesiZwe noma seziZwe sokubuyekeza isimo seziZwe noma seziZwe ezahlukaniswa noma ezahlanganiswa ngaphambi konyaka ka 1994 ngenxa yemithetho yangaleso sikhathi.

(2) Isicelo esihlongozwe kwisigatshana (1) kumele sihlinzeke ngemininingwane echaza kabanzi izizathu ezeseka isicelo sokuhoxiswa kokwamukelwa ngokusemthethweni kwaleso siZwe: Kuncike ekutheni uNdunankulu angaqoka umuntu noma abantu abazimele abazokwenza uphenyo ukuze kutholakale ukuthi zikhona yini izizathu ezanele zokuba kuhoxiswe ukwamukelwa ngokusemthethweni kwalowo mphakathi njengesiZwe.

(3) UNdunankulu, kuncike ezinhlinzekweni zesigatshana (2), kumele afinyelele esinqumweni mayelana nokuhoxiswa kokwamukelwa ngokusemthethweni kwaleso siZwe ngesikhathi esifanele.

(4) UNdunankulu, kuncike ezinhlinzekweni zesigatshana (2) no (3) –

(a) ngesaziso *kwiGazethi yesiFundazwe*, angahoxisa ukwamukelwa ngokusemthethweni kwesiZwe esihlongozwe kwisigatshana (1); noma

(b) angenqaba ukuhoxisa ukwamukelwa ngokusemthethweni kwesiZwe esihlongozwe kwisigatshana (1), okuyothi uma kunjalo, azise isiZwe esithintekayo ngezizathu zokwenqaba ukuhoxisa ukwamukelwa ngokusemthethweni kwesiZwe ezinsukwini ezingama-60 ethathe isinqumo esihlongozwe kwisigatshana (3).

Ukwamukelwa ngokusemthethweni kwesiZwe esincane

7.(a) Uma isiZwe sinezindawo ezimbili noma ngaphezulu ezahlukene, iNkosi yalowo mphakathi ingafaka isicelo kuNdunankulu ngencwadi sokubumba isiZwe esincane kuleyo ndawo engaphandle kwalapho kuhlala khona iNkosi.

(b) Izinhlinzeko zesigaba 5, zifundwa nezinguquko ezidingekayo, ziyasebenza uma kubunjwa isiZwe esincane.

(c) Uma uNdunankulu egunyaza isicelo sokubunjwa kwesiZwe esincane, iNkosi kumele icele uNdunankulu ngencwadi ukuba abeke iso leNkosi kuleso siZwe esincane njengoba kuhlongozwe esigabeni 16.

Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiZwe esincane

8.(1) Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiZwe esincane kungenziwa kuphela uma iNkosi ethintekayo ifaka isicelo kuNdunankulu salokho kuhoxiswa.

(2) Isicelo esihlongozwe kwisigatshana (1) kumele sibeke izizathu ezicacile ezeseka isicelo sokuba kuhoxiswe ukwamukelwa ngokusemthethweni kwaleso siZwe esincane: Kuncike ekutheni uNdunankulu angaqoka umuntu noma abantu abazimele abazokwenza uphenyo ukuze kutholakale ukuthi zikhona yini izizathu ezanele zokuba kuhoxiswe ukwamukelwa ngokusemthethweni kwaleso siZwe esincane.

(3) UNdunankulu, kuncike kwizinhlinzeko zesigatshana (2), kumele aphume nesinqumo mayelana nokuhoxiswa kokwamukelwa ngokusemthethweni kwaleso siZwe esincane ngesikhathi esifanele.

(4) UNdunankulu, kuncike kwizinhlinzeko zesigatshana (2) no (3), –

(a) ngesaziso *kwiGazethi* yesiFundazwe, angahoxisa ukwamukelwa ngokusemthethweni kwesiZwe esincane esihlongozwe kwisigatshana (1); noma

(b) enqabe ukuhoxisa ukwamukelwa ngokusemthethweni kwesiZwe esincane esihlongozwe kwisigatshana (1), okuyothi ngemuva kwalokho azise iNkosi ethintekayo izizathu zokwenqaba kwakhe ezinsukwini ezingama-60 ethathe isinqumo esihlongozwe kwisigatshana (3).

Ukwamukelwa ngokusemthethweni kwesiGodi

9.(1) IsiGodi singathathwa njengesiGodi uma –

(a) samukelwe ngokusemthethweni yiNkosi nomkhandlu womdabu waleso siZwe esithintekayo;

(b) singaphansi kwendawo ephethwe umkhandlu womdabu waleso siZwe;

(c) siphethwe yiNduna ebekwe njengoba kuhlongozwe esigabeni 15; futhi

(d) sizobamba iqhaza ekuphathweni ngendlela efanele kwalowo mkhandlu womdabu othintekayo.

(2)(a) Uma kwenzeka ingxenye ethile yesiZwe ibona ukuthi iyahlangabezana nokuhlongozwe kwisigatshana (1), ingacela lowo mkhandlu womdabu othintekayo ukuba ufake isicelo kuNdunankulu sokuba leyo ngxenye yomphakathi ithathwe njengesiGodi.

(b) Uma umkhandlu womdabu ubona ukuthi ingxenye yesiZwe okukhulunywe ngayo endimeni (a) ayihlangabezani nokubekwe kwisigatshana (1), umkhandlu womdabu kumele wazise umphakathi noNdunankulu futhi uhlinzeke izizathu zalokho.

(3) Ngaphambi kokuthatha isinqumo njengoba kuhlongozwe kwisigatshana (4), uNdunankulu angaqoka umuntu noma abantu abazimele ukuba benze uphenyo ukuze kutholakale ukuthi ngabe isicelo sokuhoxiswa kokwamukelwa kwesiGodi siyahlangabezana nokuhlongozwe kwisigatshana (1).

(4) UNdunankulu kumele athathe isinqumo mayelana nokuhoxiswa kokwamukelwa kwaleso siGodi ngesikhathi esifanele abhekelele izimo nohlobo lwesicelo.

(5) Uma uNdunankulu echitha isicelo esibhalwe phansi, kumele azise abafakizicelo abathintekayo izizathu zakhe ezinsukwini ezingama-60 ethathe leso sinqumo esihlongozwe kwisigatshana (4).

(6) UNdunankulu, ngemuva kokubonisana nomkhandlu womdabu othintekayo kanye neNkosi –

(a) angenqaba ukwamukela ngokusemthethweni leso siGodi; noma

(b) angamukela ngokusemthethweni leso siGodi njengengxenye yaleso siZwe ngesaziso *kwiGazethi* yesiFundazwe.

Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiGodi

10.(1) Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiGodi kungenziwa kuphela uma iNkosi nomkhandlu womdabu othintekayo becela kuNdunankulu ukuba asihoxise.

(2) Isicelo esihlongozwe kwisigatshana (1) kumele sihlinzeke izizathu ezizwakalayo ezeseka isicelo sokuhoxiswa kokwamukelwa ngokusemthethweni kwaleso siGodi: Kuncike ekutheni uNdunankulu angaqoka umuntu noma abantu abazimele abazokwenza uphenyo ukuze

kutholakale ukuthi zikhona yini izizathu zokuba kuhoxiswe ukwamukelwa ngokusemthethweni leso siGodi.

(3) UNdunankulu, kuncike ezinhlinzekweni zesigatshana (2), kumele athathe isinqumo mayelana nokuhoxiswa kokwamukelwa ngokusemthethweni kwesiGodi ngesikhathi esifanele.

(4) UNdunankulu, kuncike ezinhlinzekweni zesigatshana (2) no (3) –

(a) angahoxisa ukwamukelwa ngokusemthethweni isiGodi esihlongozwe kwisigatshana (1) ngesaziso *kwiGazethi yesiFundazwe*; noma

(b) angenqaba ukuhoxisa ukwamukelwa ngokusemthethweni kwesiGodi esihlongozwe kwisigatshana (1), okumele ngemuva kwalokho azise iNkosi nomkhandlu womdabu othintekayo ngezizathu zokwenqaba kwakhe ezinsukwini ezingama-60 ethathe isinqumo esihlongozwe kwisigatshana (3).

ISAHLUKO 3

ABAHOLI BOMDABU

Ukubekwa nokuholelwa kwabaholi bomdabu

11.(1) Lezi zikhundla zobuholi bomdabu ezilandelayo zithathwa njengezisemthethweni ngokwalo Mthetho –

(a) iSilo;

(b) iNkosi;

(c) isiPhakanyiswa; kanye

(d) neNduna.

(2) Le nqubo elandelayo iyona elandelwayo uma kubekwa abaholi bomdabu –

(a) umlando ophathekayo wokuba khona kwaleso sikhundla sobuholi kulowo mphakathi othintekayo;

(b) umlando ophathekayo wokwamukeleka kwaleso sikhundla sobuholi emphakathini othintekayo;

(c) ubufakazi bokusetshenziswa kwemithetho yesintu namasiko yilowo mphakathi othintekayo, mayelana nokushiyelana izikhundla noma nokukhethwa kwabaholi kubandakanya nesikhathi sokuba sesihlalweni salabo baholi abakhethiwe;

(d) umlando mayelana nemisebenzi namandla alezo zikhundla zobuholi ngokwemithetho yesintu namasiko alowo mphakathi;

(e) ukwamukelwa ngokusemthethweni komphakathi ngokwalo Mthetho; kanye

(f) nomlando ophathekayo –

(i) wobukhosi boselwa ngokwemithetho yomdabu namasiko noma ngokwesintu esisetshenziswa yilowo mphakathi, noma ngabe umphakathi ulibambile noma awulibambanga iqhaza ngokwesintu ekunqumeni noma ekuqinisekiseni ukuthi kuqokwa bani njengomholi; noma

(ii) wokukhethwa kwabaholi, ngokomthetho wesintu namasiko alowo mphakathi othintekayo, lapho umholi ekhethwa.

(3) Iholo, izibonelelo nemihlomulo etholwa iSilo, iNkosi, isiPhakanyiswa neNduna injengoba inqunyiwe eMthethweni wokuHolelwa kweziPhathimandla zikaHulumeni, 1998 (uMthetho No. 20 ka 1998).

Ukuhlonzwa, ukubekwa nokwehliswa esihlalweni kweSilo

12. Izinhlinzeko zezigaba 9 no 10 zoMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003, ziyasebenza uma kuhlonzwa, kubekwa noma kwehliswa esihlalweni iSilo.

Ukuhlonzwa nokubekwa kweNkosi

13.(1) Uma kunesikhala seNkosi okumele sigcwaliswe –

(a) uMndeni kumele, kungakapholi maseko kuvele leso sikhala, ngokubhekelela izimo ezikhona, imithetho yesintu namasiko asetshenziswayo, nemikhombandlela equkethwe oHlelweni 2 –

(i) uhlonze umuntu ozothatha ubuKhosi;

(ii) wazise iSilo ngencwadi ngomuntu ohlonzelwe ukuthatha ubuKhosi, uhlinzeke nezizathu zokuhlonzwa kwalowo muntu;

(iii) wazise uNdunankulu neLungu loMkhandlu oPhethe ngencwadi ngomuntu oqokelwe ukuthatha ubukhosi nezizathu zokuhlonzwa kwalowo muntu: Kuncike ekutheni isaziso esibhekiswe kuNdunankulu kumele sibandakanye ubufakazi bokuthi okubekwe kwindinyana (ii) kulandeliwe; futhi

(b) uNdunankulu, ngemuva kokubonisana neLungu loMkhandlu oPhethe, futhi kuncike kwizigatshana (2) no (3), kumele abeke lowo muntu ohlonzwe ngokwendima (a)(i) njengeNkosi.

(2) Lezi zizathu ezilandelayo zivimbela noma ngubani ekutheni abekwe njengeNkosi –

(a) ukutholakala enecala wagwetshwa ukuba abhadle ejele isikhathi esingaphezu kwezinyanga eziyi-12 ngaphandle kokubonelelwa ngenhlawulo;

(b) ekhubazekile emzimbeni noma engqondweni, ngokobufakazi obuphathekayo bodokotela, okungenza angakwazi ukusebenza njengeNkosi;

(c) uma kunesinqumo esithathwe yiKhomishana kaZwelonke njengoba kuhlongozwe esigabeni 26(2)(b) soMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003, sokuthi ukuqokwa noma ukubekwa kwalowo muntu kwakungafanele; noma

(d) kungazange kuhlonishwe imithetho yesintu noma amasiko okuvimba ukubekwa kwakhe.

(3) Uma kunobufakazi noma kunezinsolo zokuthi ukuhlonzwa komuntu ozobekwa njengeNkosi kwenziwe ngaphandle kokulandelwa kwemithetho yesintu namasiko, uNdunankulu –

(a) angaqoka umuntu noma abantu abazokwenza uphenyo futhi balethe umbiko oveza ukuthi ngabe ukuhlonzwa kwalowo muntu kwenziwe ngokwesiko noma ngokomthetho wesintu yini; noma

(b) ngale kwalokho abeke lowo muntu ohlonzwe njengeNkosi.

(4) Uma uNdunankulu esecubungule umbiko ohlongozwe kwisigatshana (3)(a) –

(a) angabeka lowo muntu ohlonzwe njengeNkosi; noma

(b) angenqaba ukubeka lowo muntu ohlonzwe njengeNkosi, okumele uma kuba njalo uNdunankulu azise uMndeni ngezizathu zesinqumo sakhe futhi acele uMndeni ukuba uhlonze omunye umuntu njengoba kuhlongozwe kwisigatshana (1).

(5) Ukubekwa komuntu ohlonzwe njengeNkosi njengoba kuhlongozwe kulesi sigaba kumele kwenziwe –

(a) ngokuthi uNdunankulu ashicilele isaziso sokubekwa kwakhe *kwiGazethi* yesiFundazwe; futhi

(b) kukhishwe isitifiketi sokubekwa kwaleyo Nkosi.

(6) Uma sekushicilelwe isaziso sokubekwa kweNkosi *kwiGazethi* yesiFundazwe, iNhloko yoMnyango kumele yazise iSilo, iNdlu yesiFundazwe neNdlu yesiFunda ethintekayo mayelana nokubekwa kwaleyo Nkosi.

Ukuhlonzwa nokubekwa kwesiPhakanyiswa

14. Uma kuhlonzwa noma kubekwa isiPhakanyiswa, kuyosetshenziswa inqubo ehlongozwe esigabeni 13 nezinguquko ezidingekayo: Kuncike ekutheni –

(a) lokho kubekwa kuyoba okweminyaka emihlanu;

(b) uma kukhulunywa ngoMndeni kuthathwa ngokuthi kukhulunywa ngabantu abanelungelo lokuvota; futhi

(c) ukuhlonzwa ngokwesintu okukhulunywe ngakho esigabeni 13(1)(a) kuyashintshwa kube ukhetho olungokwentando yeningi, oluyobanjwa ngendlela enqunyiwe.

Ukuhlonzwa nokubekwa kweNduna

15. Uma kunesikhala seNduna esigodini esithile okumele sigcwaliswe –

(a) umuntu okumele athathe isikhundla sokuba yiNduna kumele, ngokwesiko noma ngokomthetho wesintu kumele ahlonzwe yiNkosi noma aphakanyiswe yilowo mphakathi eMbizweni ebizelwe lokho, kungakapholi maseko kuvele leso sikhala okumele sigcwaliswe, kubhekwe nokuthi izizathu okukhulunywe ngazo esigabeni 13(2) azimthinti yini lowo muntu;

(b) iNkosi kumele icele kuNdunankulu ukuba kubekwe lowo muntu osehlonziwe noma osephakanyisiwe futhi ihlinzeke uNdunankulu ngemininingwane yalowo muntu; futhi

(c) uNdunankulu kumele abeke lowo muntu ohlonziwe noma ophakanyisiwe njengeNduna, njengoba kuhlongozwe esigabeni 13(5), sifundwa nezinguquko ezidingekayo.

Ukuhlonzwa nokubekwa kweSo leSilo neSo leNkosi

16.(1) Izinhlinzeko zesigaba 13 ziyosebenza nezinguquko ezidingekayo uma kuhlonzwa futhi kubekwa iSo leSilo neSo leNkosi, kuncike ekutheni –

(a) iSilo sihlonza umuntu ozobekwa njengeSo leSilo esiZweni sasoSuthu naseziZweni ezincane ezingaphansi kwaso; futhi

(b) iNkosi ihlonza umuntu ozobekwa njengeSo leNkosi kunoma isiphi isiZwe esincane esibunjwe nesamukelwe ngokusemthethweni njengoba kuhlongozwe esigabeni 7.

(2) Uma kwenzeka iSo leSilo noma iSo leNkosi lishona, lithatha umhlalaphansi noma lisula noma nini ngenkathi isiZwe sasoSuthu nanoma isiphi esinye isiZwe singenaso iSilo, iNkosi,

iBambabukhosi noma iBambela, njengoba kungaba njalo, uNdunankulu, kumele, ezinsukwini ezingama-90 kuvele lesi sikhala, aqoke umuntu ofanele kumalungu aleso siZwe ozolawula izindaba zaleso siZwe esincane esithintekayo, kuze kubekwe iSilo, iNkosi, iBambabukhosi noma iBambela, njengoba kungaba njalo.

Ukuhlonzwa nokubekwa kweBambabukhosi, kweBambela seSekela leNkosi

17.(1) Izinhlinzeko zesigaba 13 zisebenza nezinguquko ezidingekayo uma kuhlonzwa futhi kubekwa iBambabukhosi, iBambela neSekela leNkosi: Kuncike ekutheni –

(a) iBambabukhosi lingahlonzwa futhi libekwe uma lowo okumele athathe leso sikhundla ekhona, kodwa esemncane ngokweminyaka uma kubhekwa ngokomthetho wesintu nangokwamasiko aleso siZwe;

(b) iBambela lingahlozwa futhi libekwe uma –

(i) ozothatha leso sikhundla engakahlonzwa;

(ii) ukuhlonzwa komuntu ozothatha leso sikhundla kusacutshungulwa njengoba kuhlongozwe esigabeni 13(3), njengoba kungaba njalo;

(iii) iSilo, iNkosi noma isiPhakanyiswa esibekwe njengoba kuhlongozwe ezigabeni 12, 13 noma 14, njengoba kungaba njalo, izophuma endaweni ezibusa ngaphansi kwayo isikhathi esingaphezu kwezinyanga eziyisithupha –

(aa) liyolashelwa ukugula;

(bb) liyofunda; noma

(cc) lithathe uhambo olusemthethweni, ngaphandle kwezimo ezibekwe endimeni (c);

(c) iSekela leNkosi kumele lihlonzwe futhi libekwe yiNkosi noma isiPhakanyiswa ngemuva kokubonisana noMndeni noma nabantu abanelungelo lokuvota, njengoba kungaba njalo, isikhathi iNkosi noma isiPhakanyiswa esizobe singekho ngaso, njengoba kungaba njalo, uma leyo Nkosi noma leso siPhakanyiswa –

(i) siba yilungu elisebenza ngokugcwele eMkhandlwini kaMasipala;

(ii) sikhethwa njengelungu lesiShayamthetho sesiFundazwe;

(iii) sikhethwa njengelungu lePhalamende likaZwelonke;

(iv) siqokwa njengesithunywa esisebenza ngokugcwele eMkhandlwini weziFundazwe kaZwelonke;

(v) sikhethwa, siqokwa ukuba sisebenze ngokugcwele kwiNdlu yabaHoli boMdabu kaZwelonke, yesiFundazwe noma yesiFunda;

(vi) siqokwa ukuba sisebenze ngokugcwele kwiKhomishana kaZwelonke;

(vii) siqokwa ukuba yilungu leKhomishana; noma

(viii) siqokwa ukuba sisebenze ngokugcwele kunoma iliphi izinga emazingeni amathathu kahulumeni.

(2) Ngale kokulandela izinhlinzeko zesigatshana (1)(b), uNdunankulu kumele, uma uMndeni wehluleka ukuqoka umuntu ozobekwa njengeNkosi noma njengeBambabukhosi ezinsukwini ezingama-60 ngemuva kosuku okuvele ngalo isikhala, ngemuva kokubonisana noMndeni, ahlonze futhi abeke umuntu ofanele oyiNduna noma oyilungu lomkhandlu womdabu njengeBambela, kuze kube iNkosi noma iBambabukhosi liyahlonzwa njengoba kuhlongozwe ezigabeni 13 noma 17.

(3) Ukubekwa kweBambabukhosi, kweBambela neSekela leNkosi kumele kubuyekezwe uNdunankulu okungenani kanye njalo ngemuva kweminyaka eyisihlanu.

(4) Isaziso sokubekwa kweBambabukhosi esishicilelwe uNdunankulu *kwiGazethi* yesiFundazwe kumele sidalule ukuthi ubani ozothatha ubuKhosi okunguyena obanjelwe yiBambabukhosi elibekwayo, futhi iBambabukhosi kumele lidalule ukuthi aliyona iNkosi ngokusemthethweni ngokuthi ligcwaliswe ifomu elihlongozwe oHlelweni 3.

Izizathu zokwehliswa esihlalweni kwabaholi bomdabu

18. Umholi womdabu –

(a) kumele ehliswe esihlalweni uma –

(i) etholakale necala wagwetshwa ukuba abhadle ejele isikhathi ezingaphezu kwezinyanga eziyi-12 ngaphandle kokubonelelwa ngenhlawulo;

(ii) ekhubazekile emzimbeni noma engqondweni, ngokobufakazi bodokotela, okumenza angakwazi ukusebenza njengeNkosi noma njengeNduna;

(iii) engasahlali ngokugcwele endaweni engaphansi komkhandlu womdabu;

(iv) esuswe esihlalweni ngenxa yokungaziphathi kahle; noma

(v) iKhomishana kaZwelonke ithathe isinqumo njengoba kuhlongozwe esigabeni 25 soMthetho wobuHoli boMdabu nokuBusa owuHlaka, sokuthi ukuqokwa noma ukubekwa kwalowo muntu kwaba yiphutha; futhi

(b) angehliswa esihlalweni uma ephule umthetho wesintu namasiko, ngezizathu eziphoqa ukuba ehliswe esihlalweni.

Ukwehliswa esihlalweni kweNkosi

19.(1) Noma inini uma ezinye zezizathu ezihlongozwe –

(a) esigabeni 13(2) zifinyelela emadlebeni oMndeni, uMndeni kumele ucele uNdunankulu ngencwadi ukuba ehlise esihlalweni leyo Nkosi ethintekayo; noma

(b) 13(3), zifinyelela emadlebeni oMndeni, futhi uMndeni unquma ukuphakamisa ukuba kwehliswe esihlalweni iNkosi, kumele wazise uNdunankulu ngencwadi mayelana nemininingwane, nezizathu zaleso sicelo sokwehlisa iNkosi esihlalweni.

(2) Uma uNdunankulu enquma ukwehlisa iNkosi esihlalweni, uNdunankulu kumele ehlise iNkosi ngesaziso *kwiGazethi yesiFundazwe*, okumele leso saziso sidalule imininingwane yezizathu zokwehliswa kwaleyo Nkosi esihlalweni.

(3) Uma sekushicilelwa isaziso sokwehliswa kweNkosi esihlalweni *kwiGazethi* yesiFundazwe, iNhloko yoMnyango kumele yazise iSilo, uMndeni, iNdlu yesiFundazwe neNdlu yesiFunda ethintekayo mayelana nokwehliswa kweNkosi esihlalweni.

(4) Uma uNdunankulu esehlise iNkosi esihlalweni, njengoba kuhlongozwe kwisigatshana (2), kumele ngemuva kwalokho kuqokwe futhi kubekwe ozothatha isihlalo sobuKhosi njengoba kuhlongozwe esigabeni 13.

Ukwehliswa esihlalweni kwesiPhakanyiswa

20.(1) Noma inini uma ezinye zezizathu ezihlongozwe –

(a) esigabeni 13(2) zifinyelela emadlebeni omkhandlu womdabu noma kumalungu esiZwe, umkhandlu womdabu noma amalungu esiZwe kumele acele uNdunankulu ukuba ehlise esihlalweni leso siPhakanyiswa esithintekayo; noma

(b) esigabeni 13(3) zifinyelela emadlebeni omkhandlu womdabu noma kumalungu esiZwe futhi umkhandlu womdabu noma amalungu esiZwe enquma ukuphakamisa ukuba isiPhakanyiswa sehliswe esihlalweni, umkhandlu womdabu noma amalungu

esiZwe kumele azise uNdunankulu ngencwadi imininingwane nezizathu ezenza bacele ukuba isiPhakanyiswa sehliswe esihlalweni.

(2) Uma uNdunankulu enquma ukwehlisa isiPhakanyiswa esihlalweni, uNdunankulu kumele ehlise isiPhakanyiswa esihlalweni ngesaziso *kwiGazethi* yesiFundazwe, leso saziso kumele sihlinzeke imininingwane yezizathu zokwehliswa kwesiPhakanyiswa esihlalweni: Kuncike ekutheni isiPhakanyiswa sehla esihlalweni uma sekuphele isikhathi ebesiqokelwe sona ngale kokuthi kuze kukhishwe isaziso *kwiGazethi* yesiFundazwe.

(3) Uma sekushicilelwa isaziso sokwehliswa kwesiPhakanyiswa esihlalweni *kwiGazethi* yesiFundazwe, iNhloko yoMnyango kumele yazise iSilo, iNdlu yesiFundazwe neNdlu yaleyo Ndawo mayelana nokwehliswa kwesiPhakanyiswa esihlalweni.

(4) Uma uNdunankulu esehlise isiPhakanyiswa esihlalweni, njengoba kuhlongozwe kwisigatshana (2), kumele kuqale uhlelo lokukhethwa kwesiPhakanyiswa esisha, njengoba kuhlongozwe esigabeni 14, ezinsukwini ezingama-60.

Ukwehliswa esihlalweni kweNduna

21.(1) Noma inini uma ezinye zezizathu ezihlongozwe –

(a) esigabeni 13(2) zifinyelela emadlebeni eNkosi, omkhandlu womdabu noma amalungu esiZwe, kumele iNkosi, umkhandlu womdabu noma amalungu esiZwe acele uNdunankulu ukuba ehlise esihlalweni leyo Nduna esithintekayo; noma

(b) esigabeni 13(3) iNkosi, umkhandlu womdabu noma amalungu esiZwe, iNkosi, umkhandlu womdabu noma amalungu esiZwe kumele athathe isinqumo sokuphakamisa ukuba kwehliswe iNduna esihlalweni ngokubhalela uNdunankulu emazise ngemininingwane nezizathu zaleso sicelo.

(2) Uma kwenzeka uNdunankulu enquma ukwehlisa iNduna esihlalweni, uNdunankulu kumele ehlise iNduna esihlalweni ngesaziso *kwiGazethi* yesiFundazwe, leso saziso kumele sihlinzeke imininingwane yezizathu zokwehliswa kweNduna esihlalweni.

(3) Uma sekushicilelwe isaziso sokwehliswa kweNduna esihlalweni *kwiGazethi* yesiFundazwe, iNhloko yoMnyango kumele yazise iNkosi nomkhandlu womdabu othintekayo, mayelana nokwehliswa kweNduna esihlalweni.

(4) Uma uNdunankulu esehlise iNduna esihlalweni, njengoba kuhlongozwe kwisigatshana (2), uhlelo lokubekwa kweNduna entsha, njengoba kuhlongozwe esigabeni 15, ezinsukwini ezingama-60.

Ukwehliswa esihlalweni kweSo leSilo neSo leNkosi

22.(a) Uma kwenzeka iSilo noma iNkosi inquma ukususa iSo leSilo noma iSo leNkosi, kumele yazise uNdunankulu ngencwadi mayelana naleso sinqumo, okuyothi ngemuva kwalokho uNdunankulu ehlise esihlalweni iSo leSilo kanye neSo leNkosi.

(b) Izinhlinzeko zesigaba 13(5) ziyasebenza uma kwehliswa esihlalweni iSo leSilo noma iSo leNkosi njengoba kuhlongozwe endimeni (a).

Ukwehliswa esihlalweni kweBambabukhosi, iBambela neSekela leNkosi

23. IBambabukhosi, iBambela neSekela leNkosi –

(a) liyehliswa esihlalweni ngokuthi kusetshenziswe umthetho uma –

(i) kuyiBambabukhosi neBambela, umuntu ozothatha isihlalo sobuKhosi esebekiwe njengoba kuhlongozwe esigabeni 13; noma

(ii) uma kuyiSekela leNkosi, uma izimo ebezidala ukuthi iNkosi ingabi khona njengoba kuhlongozwe esigabeni 17(1)(c), sezidlulile; noma

(b) lingehliswa esihlalweni ngokulandela izinhlinzeko zesigaba 18, 68 no 70.

ISAHLUKO 4

UKUSUNGULWA, UKUBUNJWA NOKWAMUKELWA NGOKUSEMTHETHWENI KWEMIKHANDLU YAMAKHOSI NEMIKHANDLU YOMDABU

Ukusungulwa, ukubunjwa nokwamukelwa ngokusemthethweni kwemikhandlu yobuKhosi

24. UMkhandlu wobuKhosi kumele usungulwe futhi wamukelwe ngokusemthethweni KwaZulu-Natali ngokuhambisana nezinhlinzeko zesigaba 3A soMthetho wobuHoli oMdabu nokuBusa owuHlaka, 2003.

Ukusungulwa, ukubunjwa nokwamukelwa ngokusemthethweni kwemikhandlu yomdabu

25.(1) Uma uNdunankulu esamukele ngokusemthethweni isiZwe njengoba kuhlongozwe esigabeni 5, isiZwe, ngosizo loMnyango, kumele sisungule umkhandlu womdabu njengoba kuhlongozwe kulesi sigaba ngokuhambisana noHlelo 4, ezinyangeni ezintathu leso siZwe samukelwe ngokusemthethweni.

(2) Isibalo samalungu omkhandlu womdabu kumele okungenani sibe nengxenye eyodwa kokuthathu yabantu besifazane.

(3) Amalungu omkhandlu womdabu kumele okungenani abe neminyaka eyi-18 ubudala, futhi kube –

(a) abaholi bomdabu namalungu esiZwe akhethwe yiNkosi yaleso siZwe, yona eyokuba yilungu elilawulayo futhi elinguSihlalo womkhandlu womdabu, isikhathi esiyiminyaka emihlanu ngokuhambisana nesikhathi sokusebenza kweNdlu yabaHoli boMdabu kaZwelonke, ngokwesintu salowo mphakathi, okungabandakanya ukubonisana noMndeni, kubhekelelwa ikakhulu isidingo sokuba kulandelwe izinhlinzeko zendima (b); kanye

(b) namanye amalungu esiZwe akhethwe ngenqubo yentando yeningi ngendlela enqunyiwe, isikhathi esiyiminyaka emihlanu esihambisana nesikhathi sokusebenza kweNdlu yabaHoli boMdabu kaZwelonke okumele akhe isibalo esingama-40% somkhandlu womdabu: Kuncike ekutheni amalungu omkhandlu womdabu ayoqhubeka nokusebenza kuze kube amalungu amasha omkhandlu womdabu ayaqala ukusebenza.

(4) INkosi kumele imemezele amagama amalungu omkhandlu womdabu ewakhethile ngokwesigatshana (3)(a) ngaphambi kokuba kukhethwe amanye amalungu omkhandlu womdabu asasele.

(5) INkosi ethintekayo kumele ithumele amagama amalungu omkhandlu womdabu nemininingwane yokusungulwa kwalowo mkhandlu womdabu kuNdunankulu ngencwadi emasontweni amabili kusukela kusungulwe lowo mkhandlu ngokwalesi sigaba.

(6) Uma singatholakali isibalo esidingekayo sabantu besifazane abazobamba iqhaza emkhandlwini womdabu, njengoba kudingeka ngokwesigatshana (3)(a) no (b), iNkosi kumele

ilethe ubufakazi kuNdunankulu bokuthi asihlangani isibalo sabantu besifazane abazobamba iqhaza esidingekayo.

(7) Uma ethola le minininingwane ehlongozwe kwisigatshana (5) noma (6), uNdunankulu kumele abheke ukuthi ngabe lowo mkhandlu womdabu usungulwe ngokuhambisana nalesi sigaba yini kanjalo nesigaba 3 soMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003.

(8) Uma izinhlinzeko zesigatshana (6) zingasebenzi, futhi uNdunankulu enelisekile ukuthi lesi sigaba nesigaba 3 soMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003 zilandelwe kahle, uNdunankulu kumele abeke lowo mkhandlu womdabu futhi anqume nendawo ozosebenza kuyona ngesaziso *kwiGazethi* yesiFundazwe.

(9) Uma kusebenza izinhlinzeko zesigatshana (6), uma uNdunankulu ngemuva kokubonisana naleso siZwe enelisekile ukuthi kunobufakazi bokuthi asikho isibalo sabantu besifazane okudingeka babe yingxenye yomkhandlu womdabu, anganquma isibalo esincane kunaleso esidingekayo ngokwesigaba 3(2)(b) soMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003, kulowo mkhandlu womdabu.

(10) Uma uNdunankulu esenqume isibalo esincane kunaleso esidingekayo ngokwesigatshana (9), futhi enelisekile ukuthi ezinye izinhlinzeko zalesi sigaba nesigaba 3 soMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003 zilandeliwe, uNdunankulu kumele amukele ngokusemthethweni lowo mkhandlu womdabu futhi anqume nendawo ozoba ngaphansi kwayo, ngesaziso *kwiGazethi* yesiFundazwe.

(11) Izinhlinzeko zalesi sigaba zisebenza nezinguquko ezidingekayo uma –

(a) kusungulwa, kubunjwa futhi kwamukelwa ngokusemthethweni imikhandlu yomdabu eholwa isiPhakanyiswa njengosihlalo; nalapho

(b) kubunjwa kabusha imikhandlu yomdabu uma sekuphela isikhathi sokusebenza kwayo esiyiminyaka emihlanu.

(12) Emhlanganweni wokuqala womkhandlu womdabu osungulwe futhi owamukelwe ngokusemthethweni njengoba kuhlongozwe kulesi sigaba, amalungu omkhandlu womdabu kumele akhethe isekela likaSihlalo emalungwini awo, okumele lisebenze njengosihlalo womkhandlu womdabu uma usihlalo womkhandlu womdabu engekho okwesikhashana.

(13) Izinhlinzeko zalesi sigaba, kanjalo nezezigaba 26 no 27, zisebenza nezinguquko ezidingekayo uma kusungulwa, kubunjwa futhi kwamukelwa ngokusemthethweni imikhandlu yomdabu yeziZwe ezincane.

Ukushiywa kwezikhundla nokugcwaliswa kwezikhala

26.(1) Isikhundla selungu lomkhandlu womdabu sisala singenamuntu –

(a) uma ilungu lishona;

(b) uma ilungu lesula ngencwadi;

(c) uma ilungu litholakale linecala lase ligwetshwa ukuba libhadle ejele isikhathi esingaphezu kwezinyanga eziyi-12 ngaphandle kokubonelelwa ngenhlawulo; noma

(d) uma ilungu limenyezelwe yinkantolo yomthetho njengelingaphilile kahle engqondweni.

(2) Uma ilungu lomkhandlu womdabu lishiya esikhundleni usihlalo womkhandlu womdabu kumele azise uMnyango ngesikhala ngaphambi kwezinsuku eziyi-14 ngemuva kosuku okuvele ngalo isikhala futhi isikhala kumele sigcwaliswe njengoba kuhlongozwe esigatshaneni (3) no (4) ngezansi: Kuncike ekutheni ilungu elihlongozwe kulesi sigatshana liyosebenza kuphela emkhandlwini womdabu leso sikhathi ebese sisalele lelo lungu elishiyile.

(3) Noma isiphi isikhala esivelayo –

(a) kumalungu omkhandlu womdabu aqokiwe, kumele sigcwaliswe yiNkosi, njengoba kuhlongozwe esigabeni 25(3)(a), ezinsukwini ezingama-30 ngemuva kosuku okuvele ngalo leso sikhala;

(b) kumalungu omkhandlu womdabu akhethiwe, kumele sigcwaliswe njengoba kuhlongozwe esigabeni 25(3)(b), ezinsukwini ezingama-90 ngemuva kosuku okuvele ngalo leso sikhala.

Ukuhoxiswa kokwamukelwa kwemikhandlu yomdabu

27. Uma kwenzeka uNdunankulu ehoxisa ukwamukelwa kwesiZwe njengoba kuhlongozwe esigabeni 6, isaziso esihlongozwe esigabeni 6(4)(b) kumele siphinde sihambisane nesokuhoxiswa kokwamukelwa komkhandlu womdabu, nokunye okuphathelene nalokho.

ISAHLUKO 5

AMAJOKA, AMANDLA NEMISEBENZI YABAHOLI BOMDABU

Amajoka, amandla nemisebenzi yeSilo

28. ISilo kumele –

(a) siqinisekise ukuhlonishwa koMthethosisekelo nemithetho yaKwaZulu-Natali;

(b) sigqugqquzele ukuthula, uzinzo nokwakhiwa kwesiZwe;

(c) sibe wuphawu –

(i) lobumbano esifundazweni; kanye

(ii) nobumbano lwamasiko ehlukahlukene;

(d) sivikele futhi sigqugquzele –

(i) imithetho yesintu namasiko;

(ii) isiZwe;

(iii) izikhungo zomdabu; kanye

(iv) umlando wobukhosi baKwaZulu;

(e) sibeke amaKhosi;

(f) sibambe iqhaza emisebenzini yeNdlu yesiFundazwe; futhi

(g) sibambe iqhaza, sisebenzise amandla futhi senze imisebenzi ehlinzekelwe –

(i) emithethweni yesintu nasemasikweni;

(ii) nakunoma imuphi omunye umthetho;

(iii) nasemithethweni eshicilelwe njengoba kuhlongozwe esigabeni 9(5)(a) soMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003.

Amajoka, amandla nemisebenzi yeNkosi

29.(1) INkosi kumele –

(a) ivikele futhi igqugqquzele –

(i) amasiko nemithetho yomdabu namasiko; kanye

(ii) nesikhungo sobuholi bomdabu;

(b) iphathe izindaba zesiZwe esithintekayo njengoba kuhlongozwe kulo Mthetho nakweminye imithetho esetshenziswayo;

(c) isebenzisane, iseke futhi isize izikhungo zomdabu uma zenza imisebenzi yazo, zisebenzisa amandla azo futhi zifeza amajoka azo;

(d) ibe wuphawu lobumbano esiZweni esithintekayo;

(e) igqugquzele izinhlelo zokusabalalisa ulwazi ngokomdabu ukuze kube nentuthuko futhi kulawulwe izinhlekelele;

(f) yabelane ngolwazi futhi asebenzisane namanye amaKhosi;

(g) ibe usiihlalo womkhandlu womdabu ohlongozwe esigabeni 25;

(h) imele umkhandlu womdabu ohlongozwe esigabeni 25 ngesikhathi ongasebenzi ngaso;

(i) isebenze ngokubambisana nemikhandlu yomdabu ehlongozwe esigabeni 25 ukuze kuthuthukiswe isiZwe, kubandakanya ukusimamiswa komnotho emiphakathini yayo;

(j) ibambe iqhaza emikhandlwini yomasipala njengoba kuhlongozwe esigabeni 81 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

(k) ibambe iqhaza emisebenzini yeNdlu yesiFunda;

(l) ibambe iqhaza emisebenzini yeNdlu yesiFundazwe;

(m) igqugquzele umbono wokubusa ngokubambisana, wokuhlelwa kwentuthuko okudidiyele, intuthuko esimeme kanye nokuhlinzekwa kwezidingo;

(n) ihlangane okungenani kanye ngemuva kwezinyanga eziyisithupha nesiZwe sayo –

(i) ukuyosibikela ngemisebenzi eyenzayo; kanye

(ii) nokuzihlinzeka ngolwazi kanjalo nokushiwo yimithetho emisha nezinhlelo ezintsha zikahulumeni; futhi

(o) yenze imisebenzi, isebenzise amandla futhi ifeze amajoka enikezwe iNkosi njengoba kuhlongozwe kulo Mthetho, nakweminye imithetho esebenzayo, nemithetho yomdabu namasiko.

(2) Izinhlaka zombuso zesifundazwe, ngemithetho nezokuphatha, zihlinzeka amaqhaza, amandla noma imisebenzi yeNkosi mayelana –

(a) nezobuciko namasiko;

(b) nezolimo;

(c) nezempilo;

(d) nezezindlu;

(e) nezenhlalakahle;

(f) nezokuphepha nokuvikeleka;

(g) nezokuthuthukiswa komnotho;

(h) nezemvelo;

(i) nezokuvakasha;

(j) nezokulawulwa kwezinhlekelele;

(k) nezokuphathwa kwezinto eziyimvelo;

(l) nezokusatshalaliswa kolwazi mayelana nezinqubomgomo nezinhlelo zikahulumeni; kanye

(m) nezemfundo.

(3) Ngaphezu kwalokho, amandla, amajoka nemisebenzi ehlongozwe esigatshaneni (2), iNkosi ingaphinde yenze imisebenzi ephathelene nokubhekela ukwenziwa kobulungiswa, ukuphathwa komhlaba nokubhaliswa kwezingane ezizelwe, abashonile nokushadisa ngokwesintu njengoba kungahlinzekelwa emthethweni kazwelonke osebenzayo.

(4) Uma kwenzeka uhlaka lombuso luhlela ukwabela iNkosi amajoka, amandla nemisebenzi ngokuwajuba, ngokuwathuma, ngezivumelwano zama-ejensi noma ngokwenza izifungo ezisemthethweni, njengoba kuhlongozwe kwisigatshana (2), uhlaka lombuso kumele –

(a) lucele imvume kwiLungu loMkhandlu oPhethe;

(b) lubonisane –

(i) neNdlu yesiFundazwe; kanye

(ii) neNdlu yesiFunda ethintekayo;

(c) luqinisekise ukuthi ukwabiwa kwamajoka, kwamandla nemisebenzi kuyahambisana noMthethosisekelo nemithetho esebenzayo;

(d) lubhekelele imithetho yesintu namasiko asetshenziswa yileso siZwe;

(e) luqinisekise ukuthi ukwabiwa kwamajoka, kwamandla nemisebenzi kuhambisana nokuthuthukiswa kwamakhono okufanele, ukwesekwa kwezokuphatha, kwezezimali nokunye ukwesekwa okudingekayo, nokuthi kuthathwe izinyathelo ezifanele mayelana nokubika ngalokho kweseka okuhlinzekiwe.

(f) luqinisekise ukuthi ukwabiwa kwamajoka, kwamandla nemisebenzi kwenziwa ngendlela efanayo; futhi

(g) lugqugquzele imigomo engokomthethosisekelo yokubusa ngokubambisana, imigomo engokomthethosisekelo yezokuphatha kuhulumeni, ukuhlelwa kwentuthuko okudidiyele, intuthuko esimeme nokuhlinzekwa kwezidingo ngokuthi kwabiwe amajoka, amandla nemisebenzi.

(5) Uma ifeza amajoka, esebenzisa amandla noma enza imisebenzi yawo njengoba kuhlongozwe kwisigatshana (1) no (2), iNkosi kumele –

(a) igcine amarekhodi ngendlela;

(b) idalule izipho ezitholayo njengoba kuhlongozwe eMgomweni wokuziPhatha; futhi

(c) ihloniphe uMgomo wokuziPhatha.

(6) Uhlaka lombuso oluthintekayo neLungu loMkhandlu oPhethe kumele baqaphe ukufezwa kwamajoka, ukusetshenziswa kwamandla nokwenziwa kwemisebenzi eyabelwe iNkosi yilolo hlaka lombuso oluthintekayo: Kuncike ekutheni uma kwenzeka iNkosi ingahambisani nanoma yiziphi kulezi zinhlinzeko zezigatshana (1) kuya ku (5), iLungu loMkhandlu oPhethe lingangenelela ngokuthatha izinyathelo ezifanele ukuqinisekisa ukulandelwa komthetho.

(7) Izinhlinzeko zalesi sigaba zisebenza nezinguquko ezidingekayo kwisiPhakanyiswa.

Amajoka, amandla nemisebenzi yeBambabukhosi, iBambela, iSekela leNkosi neSo leSilo

30. Ngezinhloso zamajoka, amandla nemisebenzi yeBambabukhosi, iBambela, iSekela leNkosi neSo leSilo izinhlinzeko zesigaba 29 ziyasebenza, nezinguquko ezidingekayo.

Ukwabiwa kwamajoka, kwamandla nemisebenzi yeBambabukhosi, yeBambela, yeSekela leNkosi neSo leSilo izinhlaka zombuso

31. Ngezinhloso zokwabiwa kwamajoka, kwamandla nemisebenzi yeBambabukhosi, yeBambela, yeSekela leNkosi neSo leSilo izinhlaka zombuso, izinhlinzeko zesigaba 29 ziyisebenza, nezinguquko ezidingekayo.

Amajoka, amandla nemisebenzi yeNduna

32. INduna kumele –

(a) ibambe iqhaza emisebenzini yamakomidi eWadi kamasipala yokugqugquzela ukuthuthukiswa kwesiGodi;

(b) imele iNkosi yesiZwe uma kunesidingo;

(c) ihlonze izidingo zentuthuko zesiGodi;

(d) ibe yingxenye yokuxazululwa kokungaboni ngasolinye;

(e) isabalalise ulwazi emphakathini;

(f) ihambele imihlangano yeziNduna ebizwe yiNkosi yaleso siZwe;

(g) ibhekelele ukudatshulwa kweziza; futhi

(h) ibhekelele imisebenzi yansuku zonke yesiGodi.

Amajoka, amandla nemisebenzi yemikhandlu yomdabu

33.(1) Umkhandlu womdabu kumele –

(a) uphathe izindaba zesiZwe ngokuhambisana nemithetho yomdabu namasiko alowo mphakathi;

(b) usize, weseke futhi ukhalime iNkosi nesiPhakanyiswa uma befeza amajoka abo, besebenzisa amandla abo noma benza imisebenzi yabo;

(c) weseke omasipala ukuhlonza izidingo zomphakathi;

(d) ubhekelele ukubandakanywa kwesiZwe esithintekayo uma kuchitshiyelwa kweSu leNtuthuko eliDidiyele likamasipala wasekhaya lapho kuhlala khona lowo mphakathi;

(e) wenze izincomo kuhulumeni, ngemuva kokubonisana nomasipala wasekhaya, iNdlu yesiFunda ethintekayo, iNdlu yesiFundazwe, ngezinhlelo ezifanele nezinyathelo ezingathathwa ukuze kuthuthukiswe leso siZwe, kanjalo nangokuhlinzekwa kwezidingo nentuthuko kuleyo ndawo engaphansi komkhandlu womdabu;

(f) ubambe iqhaza ekusungulweni kwenqubomgomo nemithetho ezingeni lohulumeni basekhaya;

(g) ubambe iqhaza ezinhlelweni zentuthuko komasipala nasezingeni likahulumeni wesifundazwe nokazwelonke;

(h) ugqugquzele umbono wokubusa ngokubambisana, wokuhlelwa kwentuthuko okudidiyele, wentuthuko nokuhlinzekwa kwezidingo;

(i) ugqugquzele izinhlelo zolwazi zomdabu mayelana nentuthuko nokulawulwa kwezinhlekelele;

(j) uxwayise umasipala othintekayo nganoma ibuphi ubungozi noma isigameko esifufusayo endaweni engaphansi komkhandlu womdabu, noma ngenhlalakahle yabantu abahlala kuleyo ndawo, futhi ubambe iqhaza ekulawulweni kwezinhlekelele;

(k) wabelane ngolwazi futhi usebenzisane neminye imikhandlu yomdabu;

(l) usebenzisane namakomidi amawadi omasipala endaweni engaphansi kwawo;

(m) uhlangane nesiZwe okungenani kanye ngemuva kwezinyanga eziyisithupha ukuzosibikela ngemisebenzi oyenzile nangezimali zomkhandlu womdabu; futhi

(n) wenze noma imiphi eminye imisebenzi, usebenzise amandla noma ufeze amajoka ahlinzekwe umkhandlu womdabu njengoba kuhlongozwe kulo Mthetho nakunoma imuphi omunye umthetho osebenzayo.

(2) Izinhlaka zombuso zesifundazwe, ngemithetho nezokuphatha, zihlinzeka amaqhaza, amandla noma imisebenzi yemikhandlu yomdabu mayelana –

(a) nezobuciko namasiko;

(b) nezolimo;

(c) nezempilo;

(d) nezezindlu;

(e) nezenhlalakahle;

(f) nezokuphepha nokuvikeleka;

(g) nezokuthuthukiswa komnotho;

(h) nezemvelo;

(i) nezokuvakasha;

(j) nokulawulwa kwezinhlekelele;

(k) nokuphathwa kwezinto eziyimvelo;

(l) nokusatshalaliswa kolwazi mayelana nezinqubomgomo nezinhlelo zikahulumeni; kanye

(m) nezemfundo.

(3) Ngaphezu kwamandla, kwamajoka nemisebenzi ehlongozwe esigatshaneni (2), umkhandlu womdabu ungayenza imisebenzi ephathelene nokubhekelela ukwenziwa kobulungiswa, ukuphathwa komhlaba nokubhaliswa kwezingane ezizelwe, abashonile nokushadisa ngokwesintu njengoba kungahlinzekelwa emthethweni kazwelonke osebenzayo.

(4) Uma kwenzeka uhlaka lombuso luhlela ukwabela umkhandlu womdabu amajoka, amandla nemisebenzi ngokuwujuba, ngokuwuthuma, ngezivumelwano zama-ejensi noma ngokwenza izifungo ezisemthethweni, njengoba kuhlongozwe kwisigatshana (2), izinhlinzeko zesigaba 29(3) ziyosebenza nezinguquko ezidingekayo.

(5) Umkhandlu womdabu –

(a) ungangena ezivumelwaneni zokuhlinzekwa kwemisebenzi nomasipala ngokuhambisana noMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000); futhi

(b) kumele ufeze ijoka kwezamasiko, usebenzise amandla futhi wenze imisebenzi ehlinzekelwe emithethweni yesintu nasemsikweni aleso siZwe, ngaphezu kokufeza noma imaphi amajoka, kokusebenzisa noma imaphi amandla nokwenza noma imiphi imisebenzi eyabelwe umkhandlu womdabu njengoba kuhlongozwe kulo Mthetho nakweminye imithetho esebenzayo; futhi

(c) ekufezeni kwawo amajoka, ekusebenzi kwawo amandla nasekwenzeni imisebenzi, kumele –

(a) ugcine amarekhodi ngendlela;

(b) udalule izipho azitholayo njengoba kuhlongozwe eMgomweni wokuziPhatha; futhi

(c) uhloniphe uMgomo wokuziPhatha.

(6) ILungu loMkhandlu oPhethe –

(a) kumele liqaphe ukufezwa kwamajoka, ukusetshenziswa kwamandla nokwenziwa kwemisebenzi okuhlongozwe kulo Mthetho nakweminye imithetho esebenzayo emikhandlwini yomdabu; futhi

(b) uma umkhandlu womdabu ungazilandeli izinhlinzeko zezigatshana (1), (2), no (5), lingangenelela ngokuthatha izinyathelo ezifanele zokuqinisekisa ukulandelwa komthetho.

(7)(a) ILungu loMkhandlu oPhethe, uma ligculisekile ukuthi umkhandlu womdabu uyehluleka ukwenza imisebenzi yawo ojutshelwe yona ngokwalo Mthetho ngendlela efanele, noma ngendlela egqugquzela ukubusa okuhle nokuphatha, lingaqoka noma imuphi umuntu njengomphathi ozosiza umkhandlu womdabu othintekayo ukuba usebenzise amandla awo futhi wenze imisebenzi yawo.

(b) Umphathi oqokiwe njengoba kuhlongozwe endimeni (a) kumele abe nekhono lokusebenzisa amandla nokwenza imisebenzi enqunywe noma ebekwe umthetho ukuba yenziwe yilowo mkhandlu womdabu, futhi kuyothathwa ngokuthi usebenzise lawo mandla noma wenze leyo misebenzi egameni lomkhandlu womdabu.

(c) Ukuqokwa komphathi okuhlongozwe kulesi sigatshana kumele kubuyekezwe ngemuva kwezinsuku eziyi-180.

(8) Izinhlinzeko zalesi sigaba nesigaba 34, zisebenza nezinguquko ezidingekayo kunoma imuphi umkhandlu omncane womdabu osungulwe futhi owamukelwe ngokusemthethweni njengoba kuhlongozwe esigabeni 7.

Ukusebenzisana phakathi komasipala nemikhandlu yomdabu

34. UMnyango kumele ugqugquzele ukusebenzisana phakathi komasipala nemikhandlu yomdabu okumele –

(a) kuncike kwimigomo yokuhloniphana nokwazisa ukubaluleka neqhaza lezinhlangothi ngokwahlukana;

(b) kulawulwe futhi kususelwe emigomweni engokomthethosisekelo yokubusa ngokubambisana nemigomo engokomthethosisekelo elawula ukusebenza kukahulumeni.

Ukuqashwa kwabasebenzi bemikhandlu yomdabu

35.(1) ILungu loMkhandlu oPhethe kumele leseke imikhandlu yomdabu, okungabandakanya –

(a) ukusiswa kwabasebenzi emikhandlwini yomdabu, kubhekelelwa ububanzi bezindawo ezingaphansi kwemikhandlu yomdabu nezidingo sesiZwe esithintekayo; kanye

(b) nokuvula nokuphathwa kwe-akhawunti ehlanganisiwe yasebhange yemikhandlu yomdabu yesifundazwe, kubandakanya nokucubungula kwezitatimende ezihlanganisiwe zaleyo mikhandlu yomdabu.

(2) Abasebenzi abasiselwe emikhandlwni yomdabu kumele babike kumuntu oqokwe yiNkosi yaleso siZwe esithintekayo.

(3) Nanoma yikuphi ukuziphatha budlabha noma ngendlela engemukelekile kwabasebenzi abasiselwe emikhandlwini yomdabu kumele kubikwe kwiLungu loMkhandlu oPhethe.

Imihlangano yemikhandlu yomdabu

36.(1) INkosi kumele ibize umhlangano wokuqala womkhandlu womdabu ezinsukwini ezingama-21 kusungulwe lowo mkhandlu womdabu njengoba kuhlongozwe esigabeni 25.

(2)(a) Imihlangano yemikhandlu yomdabu iholwa yiNkosi yaleyo ndawo engaphansi kwayo njengosihlalo, uma iNkosi ingekho emhlanganweni umhlangano uyoholwa isekela likasihlalo.
(b) Isekela likasihlalo womkhandlu womdabu likhethwa amalungu alowo mkhandlu womdabu emhlanganweni wokuqala: Kuncike ekutheni isekela likasihlalo liba wusihlalo wanoma imuphi umhlangano womkhandlu womdabu uma iNkosi ingekho.
(c) Uma usihlalo nesekela likasihlalo bengekho emhlanganweni, lowo mhlangano kumele uholwe yibamba likasihlalo, okumele likhethwe amalungu akhona emhlanganweni phakathi kwawo amalungu.

(3) Yonke imikhandlu yomdabu kumele ibambe imihlangano ejwayelekile okungenani kanye ngemuva kwekota yonyaka ngosuku nangesikhathi esinqunywe usihlalo.

(4) Kumele kukhishwe isaziso esibhalwe phansi sinikezwe wonke amalungu omkhandlu womdabu kusasele okungenani izinsuku eziyisikhombisa ngaphambi komhlangano.

(5) Inqubo okumele ilandelwe kunoma imuphi umhlangano womkhandlu womdabu kumele ihambisane nomthetho wesintu namasiko.

Amaminithi emihlangano

37.(1) Yonke imikhandlu yomdabu kumele igcine amaminithi omhlangano ngamunye okumele kuwona kuqoshwe lokhu okulandelayo:

(a) isikhathi usuku nendawo yomhlangano;

(b) amagama amalungu abethamele umhlangano;

(c) amanqampunqampu ezinqumo ezithathiwe emhlanganweni; futhi

(d) uma kucela ilungu, ukuthi livumelene noma liphikisene nesinqumo esithathwe ngevoti.

(2) Ikhophi yamaminithi kumele ihanjiswe emahhovisi esifunda oMnyango ezinsukwini eziyishumi nanhlanu kubanjwe umhlangano.

Ukukhokhelwa kwamalungu emikhandlu yomdabu izindleko zokuhamba ngokomsebenzi

38.(1) Ilungu lomkhandlu womdabu, lingakhokhelwa izindleko zokuhamba ngokomsebenzi mayelana nemisebenzi yalo yokwethamela imihlangano yomkhandlu womdabu njengelungu lawo.

(2) ILungu loMkhandlu oPhethe, ngokubonisana neLungu loMkhandlu oPhethe elibhekele ezeziMali, kumele linqume mayelana nezinqubo ezibandakanya izindlela zokuphathwa, nemigomo yokufaka isicelo sokukhokhelwa izindleko zokuhamba ngokomsebenzi okuhlongozwe esigatshaneni (1).

.

ISAHLUKO 6

IZINDLU ZABAHOLI BOMDABU

Ukusungulwa nobulungu kwiNdlu yabaHoli boMdabu yesiFundazwe saKwaZulu-Natali

39.(a) Ngalokhu kusungulwa iNdlu yabaHoli boMdabu yesiFundazwe saKwaZulu-Natali.

(b) Isikhathi sokusebenza kwamalungu eNdlu yesiFundazwe yiminyaka emihlanu, okumele sihambisane nesikhathi sokusebenza kwamalungu eNdlu yabaHoli boMdabu kaZwelonke: Kuncike ekutheni amalungu eNdlu yesiFundazwe angeke ayeke ukusebenza kuze kuqale amalungu amasha eNdlu yesiFundazwe.

(c) Kuncike ezinhlinzekweni zesigaba 40(1)(a), amalungu ahlongozwe kulesi sigaba kumele abe ngosihlalo bemikhandlu yomdabu esunguliwe futhi abekwe njengoba kuhlongozwe esigabeni 25, futhi angakwazi ukuphinde aqokelwe elinye ihlandla.

Ukubunjwa nezihlalo kwiNdlu yesiFundazwe

40.(1) INdlu yesiFundazwe yakhiwe yila malungu –

(a) iSilo noma oqokwe yisona; kanye

(b) namalungu aphakathi kwamathathu kuya kwayisikhombisa akhethwe yiNdlu ngayinye yabaHoli boMdabu yesiFunda.

(2) INdlu yesiFunda ngayinye kumele, kuncike ezinhlinzekweni zesigatshana (1)(b), ikhethe kumalungu ayo isibalo sabantu abazoyimela kwiNdlu yesiFundazwe njengoba kuhlongozwe oHlelweni 5.

(3) Izihlalo kwiNdlu yesiFundazwe ziyonqunywa uMkhandlu oPhethe izikhathi ngezikhathi, ngemuva kokubonisana noMkhandlu oPhethe weNdlu yesiFundazwe.

(4) INdlu yesiFundazwe ingasungula futhi ikhethe ikomidi eliphethe elakhiwe amalungu angeqile kwayi-10 eNdlu yesiFundazwe, okuyikomidi elinamandla namajoka –

(a) elinikezwe wona yiMithetho yeNdlu yesiFundazwe; kanye

(b) nadluliselwe kulo yiNdlu yesiFundazwe.

Ukufaneleka ukuba yiLungu leNdlu yesiFundazwe

41. Umuntu akakufanele ukuba yilungu leNdlu yesiFundazwe uma –

(a) eyilungu elisebenza ngokugcwele emkhandlwini kamasipala, eyilungu lesiShayamthetho sesiFundazwe noma eyilungu lePhalamende;

(b) ngesikhathi kukhethwa amalungu eNdlu, obedonsa isigwebo ejele;

(c) ecwile ezikweletini ngokungenakuhlengeka;

(d) emenyezelwe yinkantolo yomthetho njengomuntu ongaphilile kahle engqondweni;

(e) eke watholakala necala wagwetshwa isigwebo sezinyanga ezingaphezu kwe-12 ebhadla ejele ngaphandle kokubonelelwa ngenhlawulo;

(f) engesona isakhamuzi saseNingizimu Afrika; noma

(g) engahlali ngokuphelele kwiRiphabhulikhi yaseNingizimu Afrika.

Ukushiya isihlalo kwiNdlu yesiFundazwe

42. Ilungu leNdlu yesiFundazwe liyasishiya isihlalo uma –

(a) lishona;

(b) lesula esikhundleni ngesaziso esibhalwe phansi yilona qobo;

(c) lisuswa esikhundleni ngokwesigaba 41;

(d) ngaphandle kokugunyazwa ukuthatha umhlabakhefu ngokuhambisana nemithetho nemigomo, njengoba kuhlongozwe esigabeni 48, lephule emihlanganweni emithathu elandelanayo yeNdlu; noma

(e) lixoshwa kwiNdlu yesiFundazwe ngenxa yokwephula iMigomo yokuziPhatha equkethwe yiNgxenye C yoHlelo 7 lwalo Mthetho.

Ukugcwaliswa kwezikhala kwiNdlu yesiFundazwe

43.(1) Uma kuvele isikhala kwiNdlu yesiFundazwe, uNobhala weNdlu yesiFundazwe kumele azise iLungu loMkhandlu oPhethe mayelana naleso sikhala ezinsukwini eziyi-14 sivelile, okuyothi ngemuva kwalokho iLungu loMkhandlu oPhethe lazise uNdunankulu ngokushesha.

(2) Isikhala kwiNdlu yesiFundazwe kumele sigcwaliswe ezinsukwini ezingama-60 sivelile, ngokuthi kukhethwe ilungu elizosebenza leso sikhathi esisasele selungu elishiyile, futhi likhethwe ngendlela efanayo naleyo okwakukhethwe ngayo ilungu elishiyile.

(3) Isikhala kumele sigcwaliswe njengoba kuhlongozwe esigabeni 40(2) salo Mthetho.

Ukukhethwa kukaSihlalo neKomidi eliPhethe leNdlu yesiFundazwe

44.(1) INdlu yesiFundazwe kumele ihlangane ezinsukwini ezingama-30 kokuba kukhethwe iNdlu entsha endaweni nangesikhathi esinqunywe uNdunankulu ngesaziso *kwiGazethi* yesiFundazwe.

(2) Emhlanganweni ohlongozwe kwisigatshana (1), iJaji leNkantolo ePhakeme kwiRiphabhulikhi yaseNingizimu Afrika kumele libambe njengosihlalo kuze kukhethwe usihlalo nesekela lakhe amalungu eNdlu, okuyothi ngemuva kwalokho uSihlalo weNdlu aqhube ukhetho lokukhethwa kwamanye amalungu ekomidi eliphethe leNdlu.

(3) Kuncike ezinhlinzekweni zesigatshana (8), usihlalo nesekela likasihlalo kumele babe sezikhundleni ngesikhathi sokusebenza kweNdlu yesiFundazwe, njengoba kuhlongozwe esigabeni 39, futhi bangakwazi ukuphinde baqokelwe elinye ihlandla uma sekuphele isikhathi sabo sokuba sesikhundleni: Kuncike ekutheni akukho lungu eliyosebenza njengosihlalo noma njengesekela likasihlalo amahlandla angaphezu kwamabili alandelanayo.

(4) Usihlalo unamandla nemisebenzi abelwe yona ngokwalo Mthetho nemithetho nemiyalelo yeNdlu yesiFundazwe.

(5) Uma usihlalo engekho noma engakwazi ukwenza umsebenzi wakhe ngenxa yanoma isiphi isizathu, noma uma isikhala sikasihlalo singagcwalisiwe, isekela likasihlalo kumele libambe

njengosihlalo kuze kube usihlalo uyabuya noma uyakwazi ukwenza imisebenzi yakhe, noma kuze kube kukhethwa usihlalo omusha.

(6) Uma lezi zimo ezibekwe kwisigatshana (5) ngasenhla zehlakalela bobalili usihlalo nesekela lakhe, ilungu leNdlu yesiFundazwe elikhethwe amalungu akhona emhlanganweni kumele libambe njengosihlalo kuze kube kuxazululeka lezi zimo ezihlongozwe kwisigatshana (5).

(7) Isekela likasihlalo noma ilungu elikhethwe njengoba kuhlongozwe kwisigatshana (6), lingasebenzisa amandla futhi lenze imisebenzi kasihlalo.

(8) Usihlalo noma isekela likasihlalo –

(a) kumele ashiye isikhundla sakhe uma eyeka ukuba yilungu leNdlu yesiFundazwe;

(b) angasuswa esikhundleni ngokuvumelana kweningi lamalungu elingamaphesenti angamashumi ayisikhombisa nanhlanu (75%) eNdlu yesiFundazwe uma engasabethembi ubuholi bakhe; futhi

(c) angesula ngokuletha incwadi yokwesula kunobhala weNdlu yesiFundazwe.

(9) Uma kwenzeka usihlalo noma isekela likasihlalo lishiya isikhundla salo, inqubo ehlongozwe kwisigatshana (2) kumele ilandelwe uma sekukhethwa usihlalo omusha noma isekela likasihlalo elisha.

(10) IKomidi eliPhethe nanoma yiliphi ilungu lalo lingenza imisebenzi, lisebenzise amandla noma lifeze amajoka elingawabelwa yiNdlu yesiFundazwe noma nini uma iNdlu yesiFundazwe isaguqile.

(11) IKomidi eliphethe nanoma iliphi ilungu lalo elenza imisebenzi, elisebenzisa amandla noma elifeza amajoka njengoba kuhlongozwe kwisigatshana (10), kumele lilethe umbiko ogunyaza noma isiphi isenzo elisenzile kwiNdlu yesiFundazwe emhlanganweni olandelayo weNdlu yesiFundazwe.

(12) Uma kwenzeka ilungu leKomidi eliPhethe lishiya isikhundla salo ngaphambi kokuphela kwesikhathi sokusebenza kwalo, kumele isikhundla salo sigcwaliswe elinye ilungu ezinsukwini ezingama-45, lelo lungu liyosebenza isikhathi esisasele selungu elishiyile kwiKomidi eliPhethe.

Isimo samalungu eNdlu yesiFundazwe

45.(a) Usihlalo nesekela likasihlalo bangamalungu asebenza ngokugcwele eNdlu yesiFundazwe.

(b) UNdunankulu, ngemuva kokubonisana neNdlu yesiFundazwe, anganquma ngesaziso *kwiGazethi* yesiFundazwe ukuthi amalungu athile eNdlu yesiFundazwe asebenze ngokugcwele kwiNdlu yesiFundazwe.

Ukukhethwa kwezithunywa kwiNdlu kaZwelonke

46. INdlu yesiFundazwe kumele, emhlanganweni wayo wokuqala, ikhethe izithunywa zayo ezizoyimela kwiNdlu kaZwelonke ngokuhambisana nezinhlinzeko zesigaba 4 soMthetho weNdlu yabaHoli boMdabu kaZwelonke, 2009.

Imihlangano yeNdlu yesiFundazwe

47.(1) Ngesikhathi bengamele umhlangano weNdlu yesiFundazwe, usihlalo, isekela likasihlalo noma elinye ilungu elengamele, abanalo ilungelo lokuvota, kodwa banevoti elingujuqu uma kwenzeka kuba nokulingana kwamavoti.

(2) Kumele kubanjwe umhlangano ojwayelekile weNdlu yesiFundazwe okungenani kanye ngekota yonyaka.

(3) Ngaphezu kwemihlangano ejwayelekile yeNdlu yesiFundazwe, ikomidi eliphethe lingabiza umhlangano ophuthumayo weNdlu yesiFundazwe ngosuku nasendaweni enganqunywa yilona noma inini, futhi uma liyalelwe uNdunankulu.

(4) Emhlanganweni ophuthumayo obizwe yikomidi eliphethe, kuyodingidwa ngalezo zinto ezibekwe phambi kweNdlu yesiFundazwe kuphela.

(5) Uma umhlangano ophuthumayo ubizwe ngomyalelo kaNdunankulu, kuyodingidwa lezo zindaba obizelwe zona lowo mhlangano ophuthumayo kuphela.

(6) Usihlalo angabiza umhlangano ophuthumayo weNdlu yesiFundazwe, ezinsukwini eziyisikhombisa, uma ethola isicelo esibhalwe phansi samalungu okungenani ayishumi eNdlu yesiFundazwe.

(7) Uma uSihlalo ehluleka ukubiza umhlangano ophuthumayo weNdlu yesiFundazwe, njengoba kuhlongozwe kwisigatshana (6) lawo malungu, uma kwedlula isikhathi esihlongozwe kwisigatshana (6), anganxusa uNdunankulu ukuba abize umhlangano ophuthumayo weNdlu yesiFundazwe.

(8) Isaziso semihlangano yeNdlu yesiFundazwe kumele sinikezwe wonke amalungu ngendlela nangesimo esinganqunywa yiNdlu yesiFundazwe izikhathi ngezikhathi.

(9) Umsebenzi ovela eMnyangweni, oqokwe yiLungu loMkhandlu oPhethe, angethamela imihlangano yeNdlu yesiFundazwe, ukuze eluleke iNdlu yesiFundazwe ngezinqubomgomo nemithetho kahulumeni ephathelene nezomdabu.

Imithetho yeNdlu yesiFundazwe

48. Uma sekukhethwe ikomidi eliphethe njengoba kuhlongozwe esigabeni 44(2), iNdlu yesiFundazwe kumele ibeke iMithetho yokusebenza mayelana nalokhu okulandelayo:

(a) imithetho yesikhashana ebekwa uSihlalo;

(b) ukuhoxiswa noma ukuchitshiyelwa kwemithetho;

(c) isibalo sabantu abangabamba umhlangano weNdlu yesiFundazwe;

(d) ukushiywa kwezikhundla nokugcwaliswa kwezikhala;

(e) ukuphakanyiswa kwamalungu eNdlu kaZwelonke, okumele abe nesibalo esanele sabantu besifazane;

(f) amandla nemisebenzi kaSihlalo;

(g) amakomidi amile namakomidi emisebenzi ethile;

(h) ukukhethwa nesikhathi sokusebenza kwabaphathi namalungu amakomidi;

(i) amandla nemisebenzi yamakomidi nabaphathi bamakomidi;

(j) uMgomo wokuziPhatha wamalungu;

(k) imihlangano yamakomidi;

(l) amakomidi amancane;

(m) amaminithi emihlangano nemibiko yamakomidi;

(n) imithetho yokuphikisana nezinqumo zeNdlu yesiFundazwe;

(o) ukucutshungulwa kwemithetho esewuhlaka kweNdlu yesiFundazwe;

(p) imisebenzi kunobhala weNdlu yesiFundazwe; kanye

(q) nanoma ikuphi okunye okuphathelene noma okuhambisana nokusebenza kweNdlu yesiFundazwe.

Amaqhaza, amandla nemisebenzi yeNdlu yesiFundazwe

49.(1) INdlu yesiFundazwe –

(a) inamaqhaza, inamandla kanye nemisebenzi eyabelwe yilo Mthetho; kanye

(b) nanoma imaphi amanye amaqhaza, amandla nemisebenzi –

(i) eyabelwe noma eyinikezwe imithetho kazwelonke; kanye

(ii) nejutshelwe yona yiLungu loMkhandlu oPhethe.

(2) INdlu yesiFundazwe kumele –

(a) imele, ivikele futhi igqugquzele –

(i) izifiso zazo zonke iziZwe ezamukelwe ngokusemthethweni njengoba kuhlongozwe esigabeni 5; kanye

(ii) nesikhungo sobuholi bomdabu.

(b) njengomlondolozi wemithetho yesintu namasiko, iqinisekise ukuvikelwa nokugqugquzelwa kwakho;

(c) uma kucela iLungu loMkhandlu oPhethe, yenze ucwaningo futhi inikeze iLungu loMkhandlu oPhethe izeluleko mayelana –

(i) nokusungulwa kwezinqubomgomo, kwamazinga nemikhombandlela emayelana nokuthuthukiswa kweziZwe, kwemikhandlu yomdabu neziNdlu zeziFunda;

(ii) nezenzo zokuphatha nokulawula ezihlongozwa uhulumeni ezithinta iziZwe, izikhungo zomdabu, imithetho yesintu namasiko;

(iii) ukusungulwa kwemithetho yesifundazwe ephathelene noma ethinta iziZwe, izikhungo zomdabu, imithetho yesintu namasiko; kanye

(iv) nezinhlelo zokuqinisekisa nokugqugquzela ukubamba iqhaza kwezikhungo zomdabu kuhulumeni;

(d) uma kucela iLungu loMkhandlu oPhethe, icubungule futhi yenze izincomo kwiLungu loMkhandlu oPhethe mayelana –

(i) nezinhlelo zesifundazwe eziphathelene nezomdabu; kanye

(ii) nokuhlanganisa nokudidiyela amasu entuthuko adidiyele;

(e) iphawule, ngokubhalwe phansi, ngemithethosivivinyo yesifundazwe ephathelene noma ethinta iziZwe, izikhungo zomdabu, imithetho yesintu noma amasiko, ezinsukwini ezingama-30 kusukela osukwini uSomlomo wesiShayamthetho sesiFundazwe adlulisele ngalo uMthethosivivinyo kuyona, njengoba kuhlongozwe esigabeni 57; futhi

(f) yenze konke okudingekayo noma okufanele okuhambisana namajoka, namandla nemisebenzi yayo.

(3) INdlu yesiFundazwe kumele –

(a) igcine amarekhodi okuyiwonawona;

(b) izitatimende zayo zezimali zicwaningwe uMcwaningimabhuku-Jikelele;

(c) ngaphezu kwemihlangano yamakota onyaka, ibambe umhlangano waminyaka yonke nezindlu zeziFunda ukuzobika ngokusebenza nangezimali zeNdlu yesiFundazwe;

(d) isebenzise uMgomo wokuziPhatha oqukethwe oHlelweni 7 lwalo Mthetho;

(e) yakhe ubudlelwane obuhle, futhi ihlinzekele ukusebenzisana nokuxhumana phakathi kwayo, izindlu zeziFunda kanjalo nomasipala;

(f) iqinisekise izinga eliphezulu kwezokuxhumana nokuthathwa kwezinqumo ekuphathweni kweNdlu yesiFundazwe;

(g) yabe amajoka okuphatha nokudidiyela kwiNdlu yesiFundazwe ngendlela ecacile;

(h) iqinisekise futhi igqugquzele ukulingana, ubulungiswa, ukuvuleleka, ukungacwasani nokwesekwa kwazo zonke iziZwe nezindlu zeziFunda esiFundazweni.

UkuPhathwa nesibopho sokubika zeNdlu yesiFundazwe

50.(1) ILungu loMkhandlu oPhethe kumele, ngokwezinhlinzeko zoMthetho wabaSebenzi bakaHulumeni, 1994 (iSimemezelo 103 sika 1994), liqoke umuntu ozokuba uNobhala weNdlu yesiFundazwe, okumele –

(a) asebenzise amandla futhi enze imisebenzi eyabelwe noma edluliselwe kuNobhala yilo Mthetho nemithetho nemiyalelo; futhi

(b) kuncike kwimiyalelo yeNdlu yesiFundazwe, enze neminye imisebenzi ehambisana nokusetshenziswa kwamandla nokwenziwa kwemisebenzi yeNdlu yesiFundazwe.

(2) ILungu loMkhandlu oPhethe, kuncike eMthethweni wabaSebenzi bakaHulumeni, 1994, kumele lisise abasebenzi abadingekayo kwiNdlu yesiFundazwe ukuze kufezekiswe umsebenzi weNdlu yesiFundazwe.

(3) UNobhala kumele alekelelwe ukwenza imisebenzi yakhe noma ukusebenzisa amandla akhe abasebenzi boMnyango abadluliselwe ngokwesigatshana (2) ngokwaleyo nhloso.

Amaholo, izibonelelo nemihlomulo ekhokhelwa amalungu eNdlu yesiFundazwe

51. Ukuholelwa, nokukhokhwa kwezibonelelo nemihlomulo kaSihlalo, kaSekela kaSihlalo namalungu ajwayelekile eNdlu yesiFundazwe, kunjengoba kunqunyiwe eMthethweni wokuKhokhelwa kweziPhathimandla zikaHulumeni, 1998 (uMthetho No. 20 ka 1998).

Ukwesekwa kweNdlu yesiFundazwe

52. Uhulumeni wesifundazwe kumele athathe izinyathelo ezidingekayo ukweseka nokusimamisa ikhono lokusebenza kweNdlu yesiFundazwe ukuze yenze imisebenzi yayo, futhi lokho kwesekwa kungabandakanya ukuhlinzekwa –

(a) ngengqalasizinda;

(b) ngezimali;

(c) ngabasebenzi;

(d) ngezinhlelo zokuthuthukiswa kwamakhono; kanye

(e) nezinhlelo zezokuphatha.

Ukusungulwa kweziNdlu zabaHoli boMdabu zeziFunda

53.(1) Ngalokhu kusungulwa iNdlu yesiFunda ngaphansi komasipala bezifunda abakhelwe iziZwe ezinhlanu noma ngaphezulu.

(2) Uma kwenzeka kuba khona iziZwe ezingaphansi kwezinhlanu ngaphansi kwamasipala wesifunda othile, abaholi bomdabu kulowo masipala wesifunda kumele bakhethe oyedwa kubona ozomela iziZwe emihlanganweni yalowo masipala wesifunda.

Ukubunjwa nekomidi eliphethe leziNdlu zeziFunda

54.(1) INdlu yesiFunda ngayinye ibunjwe yiwo wonke amaKhosi akhona ngaphansi kukamasipala wesifunda.

(2) INdlu yesiFunda ingasungula futhi ikhethe ikomidi eliphethe elibunjwe amalungu angeqile kwayisikhombisa aleyo Ndlu yesiFunda.

(3) Ikomidi eliphethe leNdlu yesiFunda lineqhaza nemisebenzi eliyabelwe yiNdlu yesiFunda ngemithetho yaleyo Ndlu yesiFunda ethintekayo, noma edluliselwe kulo yiNdlu yesiFunda ethintekayo.

(4) Izinhlinzeko zesigaba 41, 42, 43, 44, no 48, zisebenza nezinguquko ezidingekayo kwiziNdlu zeziFunda.

Imihlangano yeziNdlu zeziFunda

55.(1) ILungu loMkhandlu oPhethe kumele, ngesaziso *kwiGazethi* yesiFundazwe, libize imihlangano yokuqala yezindlu zeziFunda.

(2) Emhlanganweni wokuqala weNdlu yesiFunda umuntu oqokwe yiLungu loMkhandlu oPhethe kumele abe nguSihlalo kuze kube amalungu aleyo Ndlu yesiFunda akhetha uSihlalo neSekela likaSihlalo waleyo Ndlu yesiFunda.

(3) Imihlangano yeziNdlu zeziFunda kumele ibizwe ngesaziso esibhalwe phansi esibhekiswe kuwona wonke amalungu okungenani kusasele izinsuku ezine ngaphambi kosuku lomhlangano.

Amaqhaza, amandla nemisebenzi yeziNdlu zeziFunda

56. Amaqhaza, amandla nemisebenzi yazo zonke iziNdlu zabaHoli boMdabu zeziFunda –

(a) ukweluleka umasipala wesifunda noma womkhandludolobha mayelana –

(i) nezindaba eziphathelene nemithetho yesintu, namasiko, nobuholi bomdabu neziZwe ezikhona kulowo masipala wesifunda noma womkhandludolobha;

(ii) nokwakhiwa kwezinhlaka zokuhlela intuthuko ezithinta iziZwe; noma

(iii) nokusungulwa kwemithetho yomasipala ethinta iziZwe;

(b) ukubamba iqhaza ezinhlelweni zomphakathi ezinhloso yazo kungukuthuthukisa imiphakathi yomdabu;

(c) ukubamba iqhaza ezinhlelweni zomphakathi ezihlose ukuqapha, ukubuyekeza nokuhlola izinhlelo zikahulumeni emiphakathini yomdabu;

(d) nokuphawula nganoma imiphi imithetho kamasipala wesifunda –

(i) ethinta amasiko nemithetho yesintu yalezo ziZwe ezingaphansi kwawo; futhi

(ii) ethinta ukuhlinzekwa kwezidingo noma ethinta imingcele noma umhlaba okuyinto ethinta iziZwe.

Ukudluliselwa kwemithetho esahlongozwa kwiNdlu yesiFundazwe nakwiziNdlu zeziFunda

57.(1) Noma imuphi umthetho osahlongozwa ophathelene noma othinta iziZwe, izikhungo zomdabu, imithetho yesintu namasiko kumele idluliselwe uSomlomo –

(a) wesiShayamthetho sesiFundazwe kwiNdlu yesiFundazwe ukuze kutholakale izimvo ezibhalwe phansi njengoba kuhlongozwe esigabeni 49(1)(f), ngaphambi kokuba uphasiswe isiShayamthetho sesiFundazwe, futhi zonke izimvo ezenziwe yiNdlu yesiFundazwe kumele zethulwe phambi kwesiShayamthetho sesiFundazwe ngaphambi kokuba kuphasiswe lowo Mthethosivivinyo wesiFundazwe; kanye

(b) woMkhandlu kaMasipala kwiNdlu yesiFunda ethintekayo ukuze kutholakale izimvo ezibhalwe phansi njengoba kuhlongozwe esigabeni 56(1)(d) ngaphambi kokuba uphasiswe umkhandlu kamasipala futhi zonke izimvo ezenziwe iNdlu yesiFunda kumele zethulwe phambi komkhandlu kamasipala ngaphambi kokuba kuphasiswe lowo mthetho kamasipala ohlongozwayo.

(2) INdlu yesiFundazwe kumele ibize umhlangano ophuthumayo ukuze ithumele izimvo ezibhaliwe mayelana nalowo mthetho ohlongozwayo kwisiShayamthetho sesiFundazwe, ezinsukwini ezingama-30 iwutholile: Kuncike ekutheni uma kwenzeka iNdlu yesiFundazwe yehluleka ukucubungula umthetho ohlongozwayo noma yehluleka ukuletha izimvo ezibhalwe phansi kwisiShayamthetho sesiFundazwe ezinsukwini ezingama-30 iwutholile, umthetho ohlongozwayo ungavotelwa kwisiShayamthetho sesiFundazwe ngaphandle kokuthi kuphinde kwaziswe iNdlu yesiFundazwe.

(3) Uma iNdlu yesiFunda ethintekayo iphikisana nomthetho ohlongozwayo, izimvo nezincomo zayo zingadluliselwa kwiLungu loMkhandlu oPhethe nakwisiShayamthetho sesiFundazwe ezinsukwini ezingama-30.

ISAHLUKO 7
IKHOMISHANA YESIFUNDAZWE SAKWAZULU-NATALI EBHEKELE UKUNGABONI NGASOLINYE NEZIMANGALO EZIPHATHELENE NOBUHOLI BOMDABU

Ukusungulwa kweKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu

58. Ngalokhu kusungulwa iKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu.

Ukubunjwa nesikhathi sokusebenza kweKhomishana

59.(1) UNdunankulu, ngokubonisana neLungu loMkhandlu oPhethe kanye neLungu loMkhandlu oPhethe elibhekele ezezimali, ezinyangeni ezintathu kumiswe lo Mthetho nangesaziso *kwiGazethi* yesiFundazwe, kumele aqoke abantu abangeqile kwabayisihlanu abazoba ngamalungu eKhomishana yesiFundazwe abanolwazi olunzulu mayelana nezomthetho nezokuphatha zaphambilini nezamanje ezithinta –

(a) iziZwe;

(b) umthetho wesintu namasiko;

(c) ubuholi bomdabu;

(d) umhlaba ongaphansi kwamaKhosi; noma

(e) ezinye izikhungo zomdabu.

(2) Isikhathi sokuba esikhundleni samalungu eKhomishana yesiFundazwe yiminyaka emihlanu: Kuncike ekutheni –

(a) noma iliphi ilungu lingaphinde liqokelwe esikhundleni elinye ihlandla elilodwa leminyaka emihlanu; futhi

(b) isaziso esihlongozwe kwisigatshana (1) kumele sibandakanye isikhathi sokuba sesikhundleni kanye nemibandela yokuqokwa kwamalungu eKhomishana yesiFundazwe.

Imihlangano nemithetho yeKhomishana yesiFundazwe

60.(1) IKhomishana yesiFundazwe kumele ihlangane zingakapheli izinsuku ezingama-30 kukhishwe isaziso esihlongozwe esigabeni 59(1) ukuze inqume imithetho ezoqhuba ngayo kanye nezobhekela ukuphathwa kwemisebenzi yayo.

(2) IKhomishana yesiFundazwe kumele ihlangane uma kuba nesidingo sokuthi icubungule futhi ithathe isinqumo mayelana nokungaboni ngasolinye noma nesimangalo esidluliselwe kuyo njengoba kuhlongozwe esigabeni 62.

Izikhala zomsebenzi kanye nokugcwaliswa kwezikhala

61.(1) Isikhala somsebenzi sivela uma kwenzeka ilungu leKhomishana yesiFundazwe –

(a) lishona;

(b) lisula emsebenzini ngokwazisa uNdunankulu ngencwadi;

(c) lixoshwe njengoba kuhlongozwe esigabeni 64; noma

(d) liba yilungu elisebenza ngokugcwele eMkhandlwini kaMasipala;

(e) likhethwe njengelungu lesiShayamthetho sesiFundazwe;

(f) likhethwe njengelungu lePhalamende;

(g) liqokwe njengesithunywa esisebenza ngokugcwele eMkhandlwini weziFundazwe ezehlukene kaZwelonke;

(h) likhethelwe, noma liqokelwe esikhundleni ngokugcwele eNdlini kaZwelonke noma yesiFundazwe noma yesiFunda;

(i) liqokwe njengelungu elisebenza ngokugcwele kwiKhomishana kaZwelonke; noma

(j) liqokelwe esikhundleni ngokugcwele kunoma yimaphi amazinga amathathu kahulumeni.

(2) Nanoma isiphi isikhala somsebenzi esivela kwiKhomishana yesiFundazwe kumele sigcwaliswe njengoba kuhlongozwe esigabeni 59(1).

Amandla nemisebenzi yeKhomishana

62.(1) IKhomishana, kuncike ezinhlinzekweni zesigaba 25 soMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003 (uMthetho No. 41 ka 2003), kumele –

(a) yenze futhi isebenzise amandla kanye nemisebenzi ehlongozwe kulo Mthetho;

(b) iphenye, yethule umbiko futhi yenze izincomo nganoma ikuphi ukungaboni ngasolinye noma isimangalo esifakwe kwiKhomishana kaZwelonke ngemuva komhla lu-1 kuMandulo 2010, kanye nanoma ikuphi ukungaboni ngasolinye noma isimangalo esisha esifakwe ngemuva kosuku lokuqala kokusebenza kwalo Mthetho;

(c) iphenye nanoma iluphi udaba oludluliselwe kuyona uNdunankulu ngokuhambisana nezinhlinzeko zalo Mthetho; futhi

(d) uma icelwa iLungu loMkhandlu oPhethe, iphenye, yethule umbiko kanye nezincomo nganoma ikuphi ukungaboni ngasolinye noma isimangalo nonganoma yiluphi udaba –

(i) oluphathelene –

(aa) nesiZwe;

(bb) nemikhandlu yomdabu;

(cc) nobuholi bomdabu;

(dd) nabaholi bomdabu;

(ee) nomhlaba ongaphansi kwamaKhosi; kanye

(ff) nezinye izikhungo zomdabu; noma

(ii) olubandakanya ubudlelwano phakathi kwezinhlaka zombuso kanye nezindaba ezihlongozwe endimeni (i).

(2) Izinhlinzeko zezigaba 3, 4, 5, 6, 7 no 9 zoMthetho wamaKhomishana waKwaZulu-Natali, 1999 (uMthetho No. 3 ka 1999), zisebenza nezinguquko ezidingekayo kwiKhomishana.

(3) Noma iziphi izincomo ezihlongozwe esigatshaneni (1) kumele –

(a) zamukelwe ngokwesekwa yiningi lamalungu eKhomishana; futhi

(b) zihanjiswe kuNdunankulu kungakapheli izinsuku eziyishumi nane (14) ngemuva kokuphothulwa kombiko ukuze athathe isinqumo.

(4) IKhomishana kumele ihlinzeke iLungu loMkhandlu oPhethe ngombiko ophelele ngemisebenzi eyenzayo, njalo ngekota yonyaka noma uma kwenzeka icelwa iLungu loMkhandlu oPhethe ukuba yethule umbiko.

Ukwesekwa kweKhomishana

63.(1) ILungu loMkhandlu oPhethe kumele lihlinzeke iKhomishana ngosizo oludingekayo lwezokuphatha, lwezezimali kanye nangokunye ukwesekwa ukuze yenze imisebenzi futhi isebenzise amandla ahlongozwe kulo Mthetho nakunoma imuphi omunye umthetho.

(2) IKhomishana, kuncike kwizinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni, 1999, (uMthetho No. 1 ka 1999), ingaqoka umuntu noma isikhungo esizokwenza ucwaningo egameni layo.

Ukuxoshwa kwamalungu eKhomishana

64. UNdunankulu, ngemuva kokubonisana neLungu loMkhandlu oPhethe, angaxosha ilungu leKhomishana ngalezi zizathu –

(a) ukulahlwa yicala ligqunywe ejele isikhathi esingaphezu kwezinyanga eziyi-12 ngaphandle kokubonelelwa ngenhlawulo;

(b) ukukhubazeka emzimbeni noma ukuphazamiseka emqondweni, ngokobufakazi bodokotela, okwenza ukuba lelo lungu lingabe lisakwazi ukwenza imisebenzi yalo; noma

(c) uma lelo lungu limenyezelwe yinkantolo njengelicwile ezikweletini ngokungenakuhlengeka.

ISAHLUKO 8

IZINHLINZEKO EZEJWAYELEKILE

Isifungo sokuthatha isikhundla

65. Ukufunga nokuqinisa okuqukethwe kwiziNgxenye A no B zoHlelo 7 kulo Mthetho kusebenza, nezinguquko ezidingekayo, futhi kumele kwenziwe yibo bonke abaHoli boMdabu, amalungu eMikhandlu yoMdabu, iziNdlu zesiFundazwe kanye neziNdlu zeziFunda zabaHoli boMdabu.

UMgomo wokuziPhatha

66.(1) UMgomo wokuziPhatha oqukethwe oHlelweni 6 lwalo Mthetho usebenza kubo bonke abaHoli boMdabu nakuwo wonke amalungu emikhandlu yomdabu KwaZulu-Natali: Kuncike

ekutheni izinhlinzeko zeNgxenye C yoMgomo wokuziPhatha oqukethwe oHlelweni 7 lwalo Mthetho, ziyasebenza, nezinguquko ezidingekayo, kubo bonke abaholi bomdabu nakuwo wonke amalungu emikhandlu yomdabu KwaZulu-Natali.

(2) Umgomo wokuziPhatha oqukethwe oHlelweni 7 kulo Mthetho usebenza kuwo wonke amalungu eziNdlu zesiFundazwe kanye neziNdlu zeziFunda zabaHoli boMdabu KwaZulu-Natali: Kuncike ekutheni izinhloso yeNgxenye C yoMgomo wokuziPhatha, kunanoma isiphi isimo "iNdlu" ibandakanya iNdlu yesiFundazwe nazo zonke iziNdlu zeziFunda zabaHoli boMdabu.

Amandla oMkhandlu oPhethe okubizela esigcawini abaHoli boMdabu

67.(1) UNdunankulu uma ebona kunesidingo ngemuva kokubonisana noMkhandlu oPhethe, angabizela esigcawini noma yimuphi umholi womdabu ngencwadi ukuba avele phambi kwakhe ukuze aphenye –

(a) nganoma yiluphi udaba olukhinyabeza noma olungase lukhinyabeze isiZwe esithintekayo;

(b) nganoma yiluphi udaba olubalulekile noma oluthinta ngqo noma ngandlela thile lowo mholi womdabu ngokwesikhundla sakhe, noma oluphazamisa uHulumeni wesiFundazwe ekwenzeni imisebenzi yakhe;

(c) nanoma yiluphi olunye udaba olungahle lungabi nomthelela omuhle ekuphatheni kukaHulumeni wesiFundazwe kuleso siZwe esithintekayo.

(2) UNdunankulu ngemuva kokuba esecubungule udaba –

(a) angayalela umholi womdabu ukuba athathe izinyathelo ezithile ukuze axazulule inkinga;

(b) angayalela iLungu loMkhandlu oPhethe ukuba lenze uphenyo ngokuhambisana nesigaba 68 noma nini uma kunesizathu esenza asole ukuthi lowo mholi womdabu unecala lokungaziphathi kahle.

Uphenyo oluphathelene nokungaziphathi kahle

68.(1) Uma kunezinsolo zokuthi umholi womdabu unecala lokungaziphathi kahle ngokuthi –

(a) uyehluleka noma uyenqaba ukulandela izinhlinzeko zalo Mthetho noma zanoma yimuphi omunye umthetho okungumsebenzi wakhe ukuba ahambisane nazo;

(b) wephule uMgomo wokuziPhatha ohlongozwe ezinhlelweni 6 no 7;

(c) akahloniphi, ushaye indiva noma ngamabomu akalandeli umyalelo osemthethweni awunikezwe yisiphathimandla esifanele;

(d) uziphatha ngendlela engalungile, engafanele noma engahambisani nesikhundla sakhe;

(e) ucwile ophuzweni oludakayo noma ezidakamizweni;

(f) usebenzisa ngendlela engafanele amandla akhe noma uphoqa, noma usebenzisa amaqhinga noma amasu angafanele ukuthola imali, inkokhelo noma izipho;

(g) ujezisa noma uzama ukujezisa omunye umuntu engenalo igunya elifanele lokwenza njalo;

(h) ubudedengu noma uvilapha ukwenza imisebenzi ajutshelwe yona; noma

(i) ulahlwe yicala,

iLungu loMkhandlu oPhethe kumele libhalele lowo mholi womdabu limthwese icala lokungaziphathi kahle.

(2) Icala okukhulunywe ngalo kwisigatshana (1) kumele –

(a) lidalule imininingwane ngezinsolo ezibhekiswe kulowo mholi womdabu; futhi

(b) liyalele umholi womdabu ukuba aziphendulele ngokubhalwe phansi mayelana nalezo zinsolo kungakapheli izinsuku ezingama-21, leyo mpendulo kumele ibe ngeyokuvuma noma ngeyokuphika izinsolo abekwa zona, futhi kumele ihambisane nencazelo ebhaliwe ngokuqondene nezimo ezithinta lolo daba.

(3) Uma umholi womdabu eliphika icala noma ehluleka ukuziphendulela esikhathini esibekiwe, iLungu loMkhandlu oPhethe kumele liqoke isikhulu esizokwengamela uphenyo mayelana nezinsolo.

(4) Isikhulu esengamele uphenyo esiqokwe ngokuhambisana nesigatshana (3) ngenhla, kumele siqale uphenyo ngezinsolo, futhi sazise lowo mholi womdabu othweswe icala kusasele izinsuku eziyi-14, isikhathi kanye nendawo okuzoqhutshelwa kuyo uphenyo.

(5) Ngesikhathi sokwenziwa kophenyo kumele umholi womdabu othweswe icala anikezwe ilungelo lokwethula uhlangothi lwakhe, yena siqu sakhe noma ngokusebenzisa ummeli

wezomthetho, futhi naye anganikezwa ithuba lokupheka ngemibuzo noma ngubani obizwe njengofakazi, ahlole nanoma yimuphi umbhalo onikezwe njengobufakazi, ethule ubufakazi yena siqu sakhe, futhi abize nanoma ngubani njengofakazi.

(6) Isikhulu esengamele uphenyo kumele sigcine amarekhodi akho konke okuqhubekayo ngesikhathi kwenziwa uphenyo.

(7) Isikhulu esengamele uphenyo singabizela esigcawini noma ngubani ukuba azokwethula ubufakazi mayelana necala elethweswe umholi womdabu.

(8) Noma ngubani obizelwe esigcawini ngokuhambisana nesigatshana (7) owehluleka ukuza lapho kubanjelwe khona uphenyo ngesikhathi, ngosuku nasendaweni ebalulwe kulowo myalelo uyobekwa icala, futhi uma limlahla angahlawuliswa, noma agqunywe ejele isikhathi esingeqile ezinyangeni eziyisithupha.

(9) Uma umholi womdabu obekwe icala ehluleka ukuza yena siqu sakhe noma ukuthumela ummeli wakhe ophenyweni ngaphandle kokunikeza isizathu esizwakalayo, lokho akwenzi uphenyo olwenziwa ngaye lungabi semthethweni.

(10) Ekuphothulweni kophenyo, isikhulu esengamele uphenyo kumele sihambise eMkhandlwini oPhethe lokho esikutholile, irekhodi lakho konke okuqhubeke ngesikhathi sophenyo, nanoma yikuphi esikuphawulile ngophenyo kanye nezincomo sazo, nanoma yisiphi isinyathelo esincoma ukuba sithathwe (uma sikhona).

(11) UNdunankulu, ngemuva kokucubungula imiphumela yophenyo, nanoma iluphi uvo kanye nezincomo zesikhulu esengamele uphenyo, kanjalo namaphuzu abekwe umholi womdabu othintekayo, anganikeza lowo mholi womdabu othintekayo isijeziso esisodwa noma ngaphezulu kulezi ezilandelayo –

(a) isexwayiso esibhaliwe;

(b) umyalelo wokumiswa ngaphandle kokuhola isikhathi esingekho ngaphezu kwezinyanga ezintathu;

(c) inhlawulo, engeqile kwisamba esilingana nehlolo lezinyanga ezintathu, engabanjwa kwiholo lakhe ngokuhambisana noMthetho wokuKhokhelwa kweziPhathimandla zikaHulumeni, 1998 (uMthetho No. 20 ka 1998), ngokuyibamba kancane kancane

ngokunquma kukaNdunanklulu eMkhandlwini oPhethe, futhi okumele ikhokhwe esiKhwameni seNtela yesiFundazwe; noma

(d) isaziso sokuhoxiswa kwesitifiketi sokubekwa salowo mholi womdabu.

(12) Nanoma isiphi isijeziso, njengoba kuhlongozwe esigatshaneni (11) esibekwe uNdunankulu eMkhandlwini oPhethe kumele sishicilelwe ngokukhipha isiziso *kwiGazethi* yesiFundazwe.

Ukumiswa komholi womdabu

69.(1) ILungu loMkhandlu oPhethe ngemuva kokubonisana noNdunankulu, ngesaziso lingazisa umholi womdabu ngokumiswa kwakhe okuhlongozwayo futhi licele ukuba abeke izizathu ezizwakalayo zokuthi kungani leso sinqumo kungamele kuqhutshekwe naso, lingamisa esikhundleni noma yimuphi umholi womdabu osolwa ngokungaziphathi kahle kuze kube kuphothulwa uphenyo olwenziwe ngokwesigaba 68 salo Mthetho.

(2) Noma yimuphi umholi womdabu omiswe ngaphansi kwalesi sigaba akanalo ilungelo lokukhokhelwa ngesikhathi esamisiwe: Kuncike ekutheni iLungu loMkhandlu oPhethe lingakunikeza izizathu ezizwakalayo kanye nezethulo zalowo mholi womdabu othintekayo, lingayalela ukuthi umholi womdabu akhokhelwe wonke noma ingxenye yomholo ngesikhathi esamisiwe.

(3) ILungu loMkhandlu oPhethe noma uMkhandlu oPhethe ngemuva kokubonisana noNdunankulu, ungahoxisa ukumiswa komholi womdabu.

(4) Kungaqokwa iBambabukhosi ngokuhambisana nezinhlinzeko zalo Mthetho ukuba libambele noma yimuphi umholi womdabu osamisiwe uma iLungu loMkhandlu oPhethe libona kunesidingo.

Ukwephulwa koMgomo wokuziPhatha

70. Nanoma ikuphi ukwephulwa koMgomo wokuziPhatha okuqukethwe oHlelweni 6 no 7, kumele kubhekwane nakho ngokwenqubo ehlongozwe esigabeni 68.

Izimali ezikhokhwa amalungu esiZwe

71.(1) Umkhandlu womdabu ungacela amalungu esiZwe, noma iyiphi ingxenye yesiZwe, ukuba ngokuzithandela kwaso sikhokhe imali ethile eMkhandlwini woMdabu othintekayo: Kuncike ekutheni –

(a) ayikho imali engaqoqwa, ngaphandle kokuthi iningi labantu abangamalungu aleso siZwe, nanoma iyiphi ingxenye yesiZwe, libize imbizo kwavunyelwana ngokukhokhwa kwaleyo mali; futhi

(b) lezo zimali zingaqoqwa kuphela amalungu esiZwe esithintekayo ngenhloso –

(i) yokuxhasa ngezimali umklamo othize; noma

(ii) nganoma iziphi ezinye izinhloso eziqondene nokugcinwa kwamasiko; futhi

(c) ilungu loMkhandlu oPhethe lingabeka izizathu zenhloso yokukhokhwa kwaleyo mali kanye nemali okumele ikhokhwe njengoba kuhlongozwe kulesi sigaba.

(2) Noma iyiphi imali eqoqwe njengoba kuhlongozwe kulesi sigaba kumele ifakwe kwi-akhawunti yethrasti, evulwe futhi eyenganyelwe egameni lesiZwe esithintekayo, ngumkhandlu womdabu noma egameni lomkhandlu womdabu.

Amandla okushaya imithetho

72.(1) UNdunankulu, ngemuva kokubonisana neLungu loMkhandlu oPhethe, angakhipha isaziso *kwiGazethi* yesiFundazwe njengoba kuhlongozwe kulo Mthetho.

(2) ILungu loMkhandlu oPhethe, ngokukhipha isaziso *kwiGazethi* yesiFundazwe –

(a) lingenza imithethonqubo, likhiphe izaziso futhi lishicilele imikhombandlela ephathelene –

(i) nanoma yiluphi udaba oludingeka noma olugunyazwe yilo Mthetho ukuba lunqunywe;

(ii) nokwethulwa kanye nokuqaliswa kohlelo lokulawulwa amazinga okusebenza lwemikhandlu yobuholi bomdabu, lwabaholi bomdabu, lweNdlu yesiFundazwe neziNdlu zeziFunda;

(iii) nanoma yiluphi ukhetho oluhlongozwe kulo Mthetho; kanye

(iv) nanoma iluphi udaba oluphathelene nezokuphatha noma nezinqubo oludingekayo ukuze kufezekiswe izinhlinzeko zalo Mthetho, kubandakanya nendlela ukhetho oluhlongozwe kulo Mthetho okumele lusingathwe ngayo; kanye

(b) nokuchitshiyelwa kwanoma yiluphi uHlelo kulo Mthetho.

Ukuzimela ngokomthetho

73. Lezi zikhungo ezilandelayo zizimele ngokomthetho:

(a) iMikhandlu yobuHoli boMdabu;

(b) iNdlu yesiFundazwe; kanye

(c) neziNdlu zeziFunda.

Izimpahla, izikweletu nezinsiza

74. Izikhungo ezihlongozwe esigabeni 73 –

(a) kungenzeka –

(i) zithole, zibe abanikazi, zithathe, zigcine, ziqashe, zichithe, zibambe, noma zilahle nanoma iyiphi impahla enokususwa nengenakususwa;

(ii) zithole amalungelo futhi zibe nezikweletu ngesikhathi zisebenzisa amandla azo futhi zenze imisebenzi yazo njengoba kuhlongozwe kulo Mthetho;

(iii) zisungule futhi ziphathe ithrasti ngokuhambisana nezinhlinzeko zoMthetho wokuLawulwa kweziMpahla zeThrasti, 1998 (uMthetho No. 57 ka 1998); futhi

(iv) zibe nomshwalensi kunoma iyiphi inkampani noma kubantu ukuvikela ukulahlekelwa, ukonakalelwa, ingozi kanye nezikweletu; futhi

(b) kumele ziphathe ngendlela efanele zonke izimpahla kanye nezinsiza.

Ukudluliselwa kwamandla, imisebenzi, ama-ejensi kanye nezivumelwano zokuhlinzekwa kwezidingo

75.(1) UNdunankulu, ngemuva kokubonisana noMkhandlu oPhethe, ngokubhalwe phansi, angadlulisela kwiLungu loMkhandlu oPhethe noma iliphi iqhaza, amandla noma umsebenzi ohlongozwe kulo Mthetho, kuncike ekutheni lokho kudluliselwa akuvimbeli uNdunankulu ukuba asebenzise lawo mandla.

(2) ILungu loMkhandlu oPhethe lingadlulisela kwiNhloko yoMnyango kaHulumeni wesiFundazwe ebhekele izindaba zomdabu noma iliphi iqhaza, amandla noma umsebenzi ohlongozwe kulo Mthetho, ngaphandle kwamandla okwenza imithethonqubo nokukhipha

izaziso, kuncike ekutheni nanoma yikuphi ukudluliselwa kwamandla akuvimbi iLungu loMkhandlu oPhethe elithintekayo ukusebenzisa lawo mandla.

(3) Nanoma yimuphi umuntu ohlongozwe esigatshaneni (1) no (2), ojutshiwe, okudluliselwe kuye amandla noma umsebenzi, ngemvume ebhaliwe yoMkhandlu oPhethe, angadlulisela phambili lawo mandla noma umsebenzi kumuntu noma kumgwamanda ovunywe uMkhandlu oPhethe.

(4) Iminyango kahulumeni wesifundazwe, izikhungo ezisemthethweni, izinhlaka zombuso nomasipala –

(a) bangadlulisela noma banikeze amandla namajoka; noma

(b) bangangena ezivumelwanweni zokusebenzisana noma zokuhlinzekwa kwezidingo, nemikhandlu yomdabu.

Ukuxazululwa kokungaboni ngasolinye

76.(1) Uma kwenzeka kuqubuka ukungaboni ngasolinye mayelana nemithetho yesintu namasiko esiZweni noma phakathi kweziZwe noma phakathi kwezikhungo zomdabu ngenxa yokusetshenziswa kwalo Mthetho noma ngenxa yokunye, amalungu alowo mphakathi noma aleso sikhungo okanye abaholi bomdabu esiZweni sonke noma esikhungweni somdabu esithintekayo kumele baxazulule ukungaboni ngasolinye bebodwa nangendlela ehambisana nomthetho wesintu kanye namasiko.

(2) Noma ikuphi ukungaboni ngasolinye okuhlongozwe esigatshaneni (1) okungaxazululeki kumele kudluliselwe –

(a) kwiNdlu yesiFundazwe, okumele ikuxazulule ngokuhambisana nemithetho yayo kanye nezinqubo zayo;

(b) uma kwenzeka iNdlu yesiFundazwe yehluleka khona ukuxazulula ukungaboni ngasolinye okukhona, kumele iLungu loMkhandlu oPhethe lixazulule ukungaboni ngaso linye ngendlela elula yokubuyisana ngokuxoxisana;

(c) uma iLungu loMkhandlu oPhethe lehluleka ukuxazulula ukungaboni ngasolinye, kumele kube uNdunankulu oxazulula ukungaboni ngaso linye, ngemuva kokuxhumana –

(i) neLungu loMkhandlu oPhethe;

(ii) nezinhlangothi ezingaboni ngasolinye; kanye

(iii) neNdlu yesiFundazwe.

(3) UNdunankulu angadlulisela udaba kwiKhomishana yesiFundazwe ukuze yenze izincomo ngesinqumo esingumnqamulajuqu sokungaboni ngalosinye okuhlongozwe kulesi sigaba.

Izivumelwano phakathi kwezifundazwe

77. UNdunankulu, ngemuva kokubonisana neLungu loMkhandlu oPhethe, angangena ezivumelwaneni nabanye ohulumeni bezifundazwe mayelana nezindaba ezithinta iziZwe, abaholi bomdabu noma izikhungo zomdabu esimweni lapho ukusingathwa kwalezo zindaba kungenziwa kangcono ngokuhlanganyela kohulumeni bezifundazwe ezithintekayo.

Amacala nezinhlawulo

78.(1) Umuntu ulahlwa yicala uma **–**

(a) ezenza umholi womdabu ngaphandle kokubekwa njengoba kuhlongozwe kulo Mthetho;

(b) ephazamisa ngenhloso ukufezekiswa kwamajoka, ukusetshenziswa kwamandla nokwenziwa komsebenzi onikezwe noma imuphi umholi womdabu, umkhandlu womdabu, iNdlu yesiFundazwe, nanoma iyiphi iNdlu yabaHoli boMdabu yesiFunda noma iKhomishana yesiFundazwe njengoba kuhlongozwe kulo Mthetho nanoma yimuphi omunye umthetho.

(2) Umuntu olahlwe yicala elihlongozwe esigatshaneni (1) angakhokhiswa inhlawulo noma agqunywe ejele isikhathi esingeqile ezinyangeni eziyi-12, noma kokubili ukukhokhiswa inhlawulo nokugqunywa ejele.

Izinhlinzeko zesikhashana

79.(1) Zonke izinyathelo zezokuphatha ezithathwe uHulumeni wesiFundazwe ngezinhloso ezinhle mayelana neziZwe, namalungu esiZwe, nobuholi bomdabu, nabaholi bomdabu, nomaziphathe bomdabu, nomaziphathe bomphakathi, nemikhandlu yomdabu noma nezindawo ezingaphansi kwayo, kanye nokubekwa kwesiPhakanyiswa njengeNkosi, ngaphambi kosuku

lokuqala kokusebenza kwalo Mthetho, ngalokhu kuthathwa ngokuthi zenziwe ngokusemthethweni –

(a) sengathi zonke izinyathelo zomthetho, kubandakanya, phakathi kokunye, ukudluliselwa kwamandla, ukujutshelwa umsebenzi, izivumelwano zokusebenzisana, amandla okwenza izifungo, izivumelwano zokuhlinzekwa kwezidingo, zilandeliwe ngesikhathi kuthathwa leso sinyathelo; noma

(b) uma izinyathelo zomthetho, kubandakanya, phakathi kokunye, ukudluliselwa kwamandla, ukujutshelwa umsebenzi, izivumelwano zokusebenzisana, amandla okwenza izifungo, izivumelwano zokuhlinzekwa kwezidingo zingalandelwanga ngokugcwele.

(2) Noma yimuphi umphakathi womdabu noma umphakathi womdabu omncane owamukelwe ngokwemithetho ebisebenza ngaphambi kokuqala kokusebenza kwalo Mthetho, sithathwa njengesiZwe noma isiZwe esincane esamukelwe ngokusemthethweni njengoba kuhlongozwe kulo Mthetho.

(3) Nanoma yimuphi umholi womdabu obekwe noma oqokwe ngokwemithetho ebisebenza ngaphambi kokuqala kokusebenza kwalo Mthetho, esikhundleni sokuba umholi womdabu esihlongozwe kwiSahluko 3 salo Mthetho, uthathwa njengobekwe njengomholi womdabu njengoba kuhlongozwe kulo Mthetho, kuncike esinqumweni seKhomishana kaZwelonke njengoba kuhlongozwe esigabeni 26 soMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003.

(4) Nanoma yimuphi umaziphathe womdabu, umkhandlu womdabu kanye nomkhandlu ongaphansi komkhandlu omkhulu womdabu obekwe ngokwemithetho ebisebenza ngaphambi kokuqalisa kwalo Mthetho, uthathwa njengobekwe njengomkhandlu womdabu noma umkhandlu ongaphansi komkhandlu omkhulu womdabu njengoba kuhlongozwe kulo Mthetho, kuncike ekutheni kulandelwe isigaba 25 esikhathini esingangonyaka owodwa kusukela osukwini okuqale ngalo ukusebenza kwalo Mthetho.

(5) Nanoma isiphi isiGodi esamukelwee ngokwesiko nangokomthetho wesintu ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho, kumele samukelwe ngokusemthethweni njengoba kuhlongozwe esigabeni 9, ngaphambi kwezinyanga ezingama-24 kusukela osukwini okuqale ngalo ukusebenza kwalo Mthetho.

(6) Nanoma iyiphi iNduna ebekwe ngokwesiko nangokomthetho wesintu, ngaphandle kwezinhlinzeko zanoma yimuphi omunye umthetho, ngaphambi kokuqaliswa kwalo Mthetho, kumele ibekwe njengoba kuhlongozwe esigabeni 15, ngaphambi kwezinyanga ezingama-24 kusukela kuqale ukusebenza kwalo Mthetho.

(7) Bonke omaziphathe bomphakathi abakhona njengamanje endaweni engaphansi kukamasipala waseMzimkhulu ngalokhu bathathwa njengabamukelwe njengesiZwe, esiPhethwe iziPhakanyiswa ngokwalo Mthetho: Kuncike ekutheni ukhetho lokukhetha iziPhakanyiswa kuleyo miphakathi kumele lubanjwe ngaphambi kwezinyanga eziyi-6 kusukela osukwini lokuqala kokusebenza kwalo Mthetho.

Ukuchitshiyelwa nokuchithwa kwemithetho

80. Imithetho ebalulwe ohlwini lokuqala nolwesibili loHlelo 8 iyachitshiyelwa noma iyachithwa ngendlela ebekwe ohlwini lwesithathu loHlelo.

Isihloko esifingqiwe

81. Lo Mthetho ubizwa ngoMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali, 2013.

UHLELO 1

ISICELO SOKWAMUKELWA NJENGESIZWE

(Isigaba 5(2)(a)(i))

IFOMU TA 1

Ikheli lePosi: **UNdunankulu waKwaZulu-Natali**
Private Bag X9037
PIETERMARITZBURG
3200

Ikheli loMgwaqo: **Moses Mabhida Building**
300 Langalibalele Street
PIETERMARITZBURG
3200

<table>
<tr><td colspan="2">Siqondiswe: kuNdunankulu</td></tr>
<tr><td colspan="2">Okumele kuqaphelwe umfakisicelo:
A) Lesi isicelo sokwamukelwa njengesiZwe ngokwesigaba 5 soMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali, 2013 (uMthetho No. XX ka 2013).
B) Umfakisicelo kumele ahlinzeke ngemininingwane efanele ukweseka lesi sicelo kanti lokho kungabandakanya ubufakazi kwanoma yimiphi imibhalo umfakisicelo ayibona ingaba wusizo.
C) UNdunankulu angenqaba ukucubungula lesi sicelo uma ifomu lingagcwalisiwe ngokuphelele, noma lingabhaliwe ngendlela kahle.</td></tr>
<tr><td>1.</td><td>Igama lomfakisicelo omele isiZwe:</td></tr>
<tr><td rowspan="4">2.</td><td>Imininingwane yokuxhumana yoMfakisicelo:</td></tr>
<tr><td>Ikheli lePosi:</td></tr>
<tr><td>Inombolo yocingo:</td></tr>
<tr><td>Inombolo yeselula:</td></tr>
</table>

	I-Imeyli:
3.	Igama lesiZwe esifake isicelo sokwamukelwa ngokusemthethweni:
4.	Elinye igama noma amanye amagama esiZwe:
5.	Igama lomuntu isiZwe esimthatha njengeNkosi:
6.	Indawo esikuyo kwibalazwe/Indawo esakhe kuyo kanye nokuchazwa kwendawo isiZwe esikuyo:
	UMasipala wesiFunda:
	UMasipala waseKhaya:
7.	Uma kunesidingo, veza ukuthi ingabe isiZwe siyingxenye yini yesiZwe esikhona: (FAKA UPHAWU X) YEBO CHA Uma kunjalo, sicela uchaze:
8.	Amaphuzu eseka isicelo Umlando wesiZwe (kubandakanya uhlelo lomthetho wesintu, abaholi abadala besiZwe (umlando wozalo), ubufakazi bomlando wokuba khona kwesiZwe, isibalo seziGodi kanye neziNduna kanye neminye imininingwane ephathelene nomlando kanye nemvelaphi yaleso Sizwe) **(Eminye imibhalo enemininingwane eyengeziwe ingafakwa uma kunesidingo)**
Sisayinwe e____________________(indawo) ngalolu suku mhla zi______ ku________	
	Isignesha:
	Igama loMele isiZwe:
	Isikhundla:

Leli fomu kumele lihambisane nesicelo sokubekwa kweNkosi yesiZwe esithintekayo, ngokwesigaba 5(2) soMthetho.

<u>Okusetshenziswa abasebenzi basehhovisi kuphela</u>	***<u>Yebo</u>*** (Faka uphawu X)	***<u>Cha</u>*** (Faka uphawu X)
1. Ingabe ifomu igcwaliswe ngendlela efanele		
2. Kungabe isicelo siyilungele iMemorandamu yeKhabhinethi?		
3. Kungabe isicelo kuphakanyiswe ukuthi isicelo sithole sidluliselwe kwiKhomishana yaKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu		
4. Ukuphawula:		
5. Isitembu esisemthethweni:		

UHLELO 2

IMIKHOMBANDLELA YOKUQOKA OZOBEKWA ESIHLALWENI SOBUKHOSI

(Isigaba 13(1)(a))

1. Kuncike emasikweni nasemithethweni yesintu yoMndeni kanye nesiZwe esithintekayo, iNkosi kumele ibize umhlangano woMndeni, imemezele ukuthi iyona yiphi indlu enkulu kwiziNdlu zayo: Kuncike ekutheni uma ikhetha ukushintsha isikhundla seziNdlu zayo, leyo Nkosi kumele imemezele isinqumo sayo esisha ngendlela efanayo naleyo eyayimemezele ngayo isinqumo sangaphambilini.

2. Ngokubhekela amasiko nemithetho yesintu yoMndeni nesiZwe esithintekayo, noma imuphi umuntu phakathi kwalaba angaqokwa njengozothatha isihlalo sobuKhosi –

(a) inkosana ezalwa uNdlunkulu, weNdlu eqokwe iNkosi ngokohlamvu 1 njengendlu enkulu;

(b) inkosana ezalwa uNdlunkulu wokuqala weNkosi;

(c) inkosana ezalwa uNdlunkulu yeNkosi owalotsholwa isiZwe esithintekayo;

(d) inkosana ezalwa uNdlunkulu weNkosi ozalwa ebukhosini, noma komunye uMndeni; noma

(e) nanoma yiphi indodana yeNkosi eqokwe iNkosi, ngencwadi, nangokubonisana noMndeni.

3. Ngale kukuphambuka, kokubalulwe ezindimeni (a) kuya ku (d) zohlamvu 2, uMndeni unganquma ukuhlonza ozobekwa esihlalweni sobukhosi owazalwa ngokwesiko *lokuNgenwa*, *lokufaka esiswini* kanye nesiko lokulotsholwa kwengane yeNkosi ezalwe ngaphandle komshado.

4. Uma kwenzeka kungatholakali ozobekwa esihlalweni sobukhosi, njengoba kuhlongozwe kuhlamvu 2 no 3, uMndeni unganquma ukudlulisela ubuKhosi kwenye indlu efanele ukuthatha ubukhosi ngokulandelana kwezindlu kusuka kwenkulu kuya kwencane.

UHLELO 3

UKUMENYEZELWA KWEBAMBABUKHOSI

(Isigaba 17(4))

Mina, ________________________________, Inombolo kaMazisi:____________________, ngihlonzwe njengozobekwa njengeBambabukhosi uMndeni wesiZwe____________________, ngalokhu ngimemezela ngaphansi kwesifungo kanje:

Ngalokhu ngiyakuqonda ukuthi ngihlonzelwe ukubekwa njengeBambabukhosi lesiZwe sakwa________________________, esikhundleni sika_______________________, ohlonzwe njengozohlala esihlaweni sobuKhosi, ukuhlonzwa nokubekwa kwakhe esikhathini esizayo ngiyakweseka futhi ngiyakuqinisekisa.

Ngalokhu mina uqobo ngiyakuqonda ukuthi –

(a) Angikwazi manje nangomuso ukufuna ubuKhosi besiZwe ___________________;

(b) Angisoze ngaba nentshisekelo yokubekwa njengeNkosi yesiZwe okukhulunywe ngaso nanoma nini ngomuso; futhi

(c) Ngiyogudluka ngokwami esikhundleni njengeBambabukhosi uma sekubekwa ___________________ njengeNkosi yesiZwe________________.

____

OFUNGAYO

ISAYINWE YAFUNGELWA ngaphambi kwami, e___________________ ngalolu suku lwamhla____________________20___,ofungayo ukuthi uyakuqonda okuqukethwe yilesi sifungo, umemezela ukuthi akaphikisani nesifungo, nokuthi usithatha njengazibophezela.

____

UMFUNGISI

AMAGAMA APHELELE:____

IKHELI LEBHIZINISI:____

ISIKHUNDLA: ____

INDAWO: ____

UHLELO 4

INDLELA YOKUNQUNYWA KWESIBALO SAMALUNGU OMKHANDLU WOMDABU

(Isigaba 25(1))

1. Uhlelo lokukhethwa kwamalungu olubalulwe kwithebhula elingezansi kumele lenziwe iNkosi, eyilungu ngokwesikhundla sayo kumalungu akhethwe ngokwesigaba 25 salo Mthetho.

2. Uma isiqoka amalungu angama-60% esibalo samalungu omkhandlu womdabu esewonke, iNkosi kumele izame ukulandela okunqunyiwe ukuthi okungenani ingxenye eyodwa kokuthathu yesibalo samalungu omkhandlu womdabu esewonke kube ngabesifazane.

Isibalo seziNduna ezibekiwe	Amalungu aqokiwe alinganiselwa kuma 60% esibalo samalungu esewonke				Amalungu akhethiwe angama 40% esibalo samalungu esewonke	Isibalo samalungu esewonke	Isibalo sabesifazane esewonke (ingxenye eyodwa kokuthathu)
15 noma ngaphansi	Amalungu omphakathi	iziNduna	amaKhosi	Isibalo samalungu aqokiwe esewonke	Isibalo samalungu akhethiwe esewonke		
15 noma ngaphansi	2	3	1	6	4	10	3
15 kuya ku 20	3	5	1	9	6	15	5
20 kuya ku 25	4	7	1	12	8	20	7
25 kuya ku 30	5	9	1	15	10	25	8
30 kuya ku 35	6	11	1	18	12	30	10

35 kuya ku 40	7	13	1	21	14	35	12
40 kuya ku 45	8	15	1	24	16	40	13
45 kuya ku 50	9	17	1	27	18	45	15
51 noma ngaphezulu	10	19	1	30	20	50	17

UHLELO 5

AMALUNGU AKHETHIWE ENDLU YOBUHOLI BOMDABU ESIFUNDAZWENI SAKWAZULU-NATALI

(Isigaba 40(2))

UHLU 1	UHLU2
IZINDLU ZOBUHOLI BOMDABU ZEZIFUNDA	**ISIBALO SEZITHUNYWA**
Indlu yobuHoli boMdabu yesiFunda soGu	7
Indlu yobuHoli boMdabu yesiFunda saseMgungundlovu	4
Indlu yobuHoli boMdabu yesiFunda sasoThukela	4
Indlu yobuHoli boMdabu yesiFunda saseMzinyathi	4
Indlu yobuHoli boMdabu yesiFunda saseMajuba	3
Indlu yobuHoli boMdabu yesiFunda sase-Zululand	5
Indlu yobuHoli boMdabu yesiFunda saseMkhanyakude	3
Indlu yobuHoli boMdabu yesiFunda sasoThungulu	7
Indlu yobuHoli boMdabu yesiFunda iLembe	6
Indlu yobuHoli boMdabu yesiFunda saseSisonke	7
Indlu yobuHoli boMdabu yesiFunda saseThekwini	3

UHLELO 6

UMGOMO WOKUZIPHATHA WABAHOLI BOMDABU NAMALUNGU EMIKHANDLU YOMDABU

(Isigaba 66)

Umgomo ojwayelekile wokuziphatha komholi womdabu

1. Umholi womdabu kumele –

(a) enze imisebenzi ajutshelwe yona ngobuqotho, ngokukhuthala, ngokwethembeka nangendlela engenamfihlo;

(b) asebenzise isikhundla sakhe ngendlela enobuchule;

(c) angaziphathi ngendlela eyihlazo, engafanele noma ethunaza isikhundla sakhe;

(d) ahambisane nanoma yimuphi umthetho osebenzayo;

(e) konke akwenzayo akwenze ngendlela ebeka phambili izidingo zesiZwe noma imiphakathi ayisebenzelayo;

(f) akhuthaze ubunye phakathi kwesiZwe;

(g) angazihlanganisi nezinto ezizodala uqhekeko phakathi kwesiZwe;

(h) agqugquzele ukwakhiwa kwesiZwe;

(i) angenqabi ukusiza noma yimuphi umuntu ngenxa yezizathu zezombusazwe noma zokwehlukana ngokwemibono;

(j) akhuthaze ubudlelwano obuhle nezinhlaka zombuso asebenzisana nazo;

(k) agqugquzele inqubomgomo yentando yabantu nomphakathi ovulelekile; futhi

(l) adalule izipho azitholile.

Umgomo ojwayelekile wokuziphatha komkhandu womdabu

2. Umkhandlu womdabu kumele –

(a) wenze imisebenzi ojutshelwe yona ngobuqotho, ngokukhuthala, ngokwethembeka nangendlela engenamfihlo;

(b) wenze imisebenzi yawo, usebenzise amandla ufeze namajoka ngendlela enobuchule;

(c) uhambisane nanoma yimuphi umthetho osebenzayo;

(d) konke okwenzayo ukwenze ngendlela ebeka phambili izidingo zesiZwe esisisebenzelayo;

(e) ufezekise ukusebenza kwezinqubomgomo ezilawula ezokuphatha kuhulumeni ezibalulwe esigabeni 195 soMthethosisekelo; futhi

(f) ukhuthaze ubudlelwano obuhle nezinhlaka zombuso osebenzelana nazo.

UHLELO 7

UMGOMO WOKUZIPHATHA WAMALUNGU EZINDLU ZABAHOLI BOMDABU

(Izigaba 65 no 66)

INGXENYE A

ISIFUNGO SAMALUNGU ENDLU

Mina,……....………......….(Igama lelungu), ngiyafunga ukuthi ngizokwethembeka kwiNdlu yabaHoli boMdabu yesiFundazwe saKwaZulu-Natali/kwiNdlu yabaHoli boMdabu yesiFunda ngiyafunga futhi ngiyethembisa ukuthi ngezikhathi zonke ngizogqugquzela lokho okuzoqhubela phambili iNdlu, ngilwisane nakho konke okungakhubaza iNdlu yabaHoli boMdabu; ngizohlonipha, ngizokwenza, ngizofezekisa futhi ngigcine imithetho, izinqubo, imiyalelo kanye nemigomo yeNdlu yabaHoli boMdabu kanye nayo yonke eminye imithetho yeRiphabhulikhi yaseNingizimu Afrika; ngizokwenza yonke imisebenzi yami ngawo wonke amandla enginawo nangobuhlakani futhi nangeqiniso ngalo lonke ulwazi namandla enginawo kusuka ekujuleni kukanembeza wami; ngizokwenza ubulungiswa kubo bonke; ngizozinikela ekusebenzeleni inhlalakahle yeNdlu yabaHoli boMdabu kanye namalungu ayo.

Sengathi uMdali oPhezu konke ngoMusa wakhe kanye/noma nabadala asebalala bangangihola bangigcine ukuze ngikwazi ukugcina lesi sifungo ngenhlonipho nangobuqotho.

Inkosi ingisize.

INGXENYE B

UKUQINISA

Mina,……....………......….(Igama lelungu), ngiyafunga ukuthi ngizokwethembeka kwiNdlu yabaHoli boMdabu yesiFundazwe saKwaZulu-Natali/kwiNdlu yabaHoli boMdabu yesiFunda ngiyafunga futhi ngiyethembisa ukuthi ngezikhathi zonke ngizogqugquzela lokho okuzoqhubela phambili iNdlu, ngilwisane nakho konke

okungakhubaza iNdlu yabaHoli boMdabu; ngizohlonipha, ngizokwenza, ngizofezekisa futhi ngigcine imithetho, izinqubo, imiyalelo kanye nemigomo yeNdlu yabaHoli boMdabu kanye nayo yonke eminye imithetho yeRiphabhulikhi yaseNingizimu Afrika; ngizokwenza yonke imisebenzi yami ngawo wonke amandla enginawo nangobuhlakani futhi nangeqiniso ngalo lonke ulwazi namandla enginawo kusuka ekujuleni kukanembeza wami; ngizokwenza ubulungiswa kubo bonke; ngizozinikela ekusebenzeleni inhlalakahle yeNdlu yabaHoli boMdabu kanye namalungu ayo.

Sengathi abadala asebalala bangangihola bangigcine ukuze ngikwazi ukugcina isifungo ngenhlonipho nangobuqotho.

INGXENYE C
UMGOMO WOKUZIPHATHA

Amalungu eNdlu

Ukwenziwa kwemisebenzi amalungu

1. Ilungu leNdlu kumele –

(a) lenze yehhovisi ngokwethembeka, ngokungacwasi nangendlela engenamfihlo; futhi

(b) ngezikhathi zonke lisebenze ngendlela ebeka phambili izidingo zeNdlu yobuHoli boMdabu nangendlela engadicileli phansi ubuqotho kanye nokwethembeka kweNdlu.

Ukwethanyelwa kwemihlangano

2. Ilungu leNdlu yobuHoli boMdabu kumele lethamele yonke imihlangano yeNdlu kanye neyekomidi eliyilungu lalo, ngaphandle –

(a) uma linikezwe umhlaba khefu ngokomthetho osebenzayo noma ngokunqunywe imithetho nemiyalelo; noma

(b) uma lelo lungu leNdlu yobuHoli boMdabu kudingeka ngokwalo Mgomo ukuba lihoxiswe emhlanganweni.

Izigwebo zokungayethameli imihlangano

3.(1) INdlu ingagweba ilungu leNdlu njengoba kunganquma imithetho nemiyalelo yeNdlu yobuHoli –

(a) uma lingawethamelanga umhlangano okudingeka ukuba liwethamele ngokohlamvu 2; noma

(b) lehluleka ukuhlala kulowo mhlangano.

(2) Ilungu leNdlu elingayethamelanga imihlangano kwaze kwaba izikhawu ezintathu noma ngaphezulu imihlangano ilandelana, noma kusukela kwizikhawu ezintathu noma ngaphezulu imihlangano ilandelana yekomidi leNdlu yobuHoli, lelo lungu leNdlu okudingeka ukuba liwethamele ngokohlamvu 2, kumele lisuswe esikhundleni njengelungu leNdlu.

(3) ILungu loMkhandlu oPhethe kumele lazise uNdunankulu ngokuxoshwa kwelungu elimele iNdlu.

(4) Izigwebo zokungawethameli umhlangano, kubandakanya ukuxoshwa kwelungu leNdlu yobuHoli boMdabu kumele zikhishwe ngokusebenzisa inqubo efanayo okumele ibekwe yiNdlu ngokwezinhloso zalolu hlamvu.

Ukudalula ukuhlomula

4.(1) Ilungu leNdlu kumele –

(a) lidalulele iNdlu kanye nanoma iliphi ikomidi leNdlu eliyilungu lalo, noma ikuphi ukuhlomula ngqo noma ngandlela thile ebhizinisini elizimele, noma ukuhlomula kwalowo elishade naye, umlingani walo noma elibambisene naye kwezamabhizinisi noma ukuthinteka kwalo kunoma iluphi udaba olusezithebeni zeNdlu noma zekomidi leNdlu; futhi

(b) lihoxe emihlanganweni eqhubekayo yeNdlu yobuHoli boMdabu noma yekomidi leNdlu yobuHoli boMdabu uma kucutshungulwa lolo daba, ngaphandle uma iNdlu noma ikomidi linezizathu zokuthi lokho kuthinteka kwelungu akubalulekile noma akuhlangene nalolo daba oludingidwayo.

(2) Ilungu leNdlu lowo elishade naye, umlingani walo, elibambisene naye kwezamabhizinisi noma ilungu lomndeni elisondelene nalo, elihlomula noma elingahlomula ngqo noma ngandlela

thile enkampanini esebenzisana neNdlu elinolwazi ngakho emhlanganweni wokuqala weNdlu lapho lingakwazi ukuthi likudalulule.

(3) Lesi sigaba asisebenzi ekuhlomuleni kwelungu leNdlu, noma kwalowo elishade naye, umlingani walo, elibambisene naye kwezamabhizinisi noma ilungu lomndeni elisondelene nalo, uma namanye amalungu eNdlu ehlomula.

Ukuzihlomulisa

5.(1) Ilungu leNdlu angeke lisebenzise isikhundla salo noma amalungelo alo akhethekile elinikezwe wona njengelungu leNdlu, noma imininingwane eyimfihlo eliyithole njengelungu leNdlu, ukuze lizenzele inzuzo ngendlela engafanele.

(2) Ngaphandle kwemvume yeNdlu ilungu leNdlu angeke –

(a) laba ingxenye noma lihlomule kwisivumelwano –

(i) sokuhlinzeka iNdlu ngempahla noma ngemisebenzi; noma

(ii) sokwenza nanoma imuphi umsebenzi ngaphandle komsebenzi wokuba yilungu leNdlu nokusebenzela iNdlu;

(b) lahlomula ngokwezezimali kunoma yimuphi umsebenzi weNdlu; noma

(c) limele noma imuphi umuntu ozolikhokhela ngaphambi kweNdlu noma kwekomidi layo.

(3) Uma amalungu eNdlu angaphezu kwekota ephikisana ngemvume enikezwa ilungu leNdlu ngokohlamvana (2), leyo mvume inganikezwa kuphela ilungu leNdlu ngemvume yeLungu loMkhandlu oPhethe.

Ukudalula ukuhlomula

6.(1) Uma selikhethiwe noma seliqokiwe, ilungu leNdlu kumele lidalule ngencwadi lokhu kuhlomula kwalo ngokwezezimali okulandelayo esikhulwini seNdlu esiqokwe yiLungu loMkhandlu oPhethe ezinsukwini ezingama-60:

(a) amasheya kanye nezibambiso kunoma iyiphi inkampani;

(b) ubulungu kunoma yiliphi ibhizinisi;

(c) ukuhlomula kunoma iyiphi ithrasti;

(d) ukuba ngumqondisi;

(e) ukuba yingxenye yebhizinisi elihlanganyele;

(f) okunye ukuhlomula ngokwezezimali kunoma iliphi ibhizinisi;

(g) umsebenzi eliwenzayo neholo;

(h) ukuhlomula kwimpahla;

(i) impesheni; kanye

(j) nosizo lwezimali, izibonelelo kanye noxhasomali kunoma iyiphi inhlangano.

(2) Nanoma iluphi ushintsho mayelana nohlobo kanye nemininingwane yokuhlomula ngokwezezimali kwelungu leNdlu kumele ludalulwe ngencwadi esikhulwini esiqokiwe okukhulunywe ngaso ohlamvini (1) minyaka yonke.

(3) Izipho ezitholwe ilungu leNdlu ezingaphezu kwenani elinganqunywa ngesaziso *kwiGazethi* yesiFundazwe izikhathi ngezikhathi, kumele zidalulwe njengoba kubekwe kuhlamvana (1).

(4) INdlu kumele inqume ukuthi ikuphi ukuhlomula ngokwezezimali okukhulunywe ngakho kuhlamvana (1) okumele kudalulelwe umphakathi kubhekelelwa ubucayi bakho kanye nesidingo sokuthi kwaziswe umphakathi.

(5) Ukudalulwa kokuhlomula kanye nokwemukela izipho okuhlongozwe kulolu hlamvu kubalulekile ukuthi kuhambisane ngendlela ebekwe kwisiThasiselo A kulolu Hlelo, futhi kumele kwenziwe minyaka yonke uma kunesidingo, ukuze kulandelwe izinhlinzeko zohlamvana (2).

Imihlomulo, izipho nokwenzelela

7. Ilungu leNdlu angeke lacela, lafuna noma lamukela nanoma yimuphi umhlomulo, isipho noma ukwenzelela –

(a) ukuze livote noma lingavoti odabeni oluthile oluphambi kweNdlu noma kwekomidi leNdlu lelo lungu leNdlu eliyilungu lalo;

(b) ngokunxenxa iNdlu noma ikomidi leNdlu yobuholi bomdabu mayelana nokusetshenziswa kwanoma yimaphi amandla, umsebenzi noma ijoka;

(c) ngokwenza isethulo kwiNdlu noma kunoma yiliphi ikomidi leNdlu; noma

(d) ngokudalula ulwazi oluyimfihlo.

Ukudalulwa kolwazi okungagunyaziwe

8.(1) Ilungu leNdlu angeke ladalule kunoma yimuphi umuntu ongafanele noma iluphi ulwazi oluyimfihlo lweNdlu noma lwekomidi ngaphandle kwemvume yeNdlu noma yekomidi.

(2) Ngokwenhloso yalolu hlamvu "ulwazi oluyimfihlo" lubandakanya nanoma yiluphi ulwazi –

(a) olunqunywe yiNdlu noma ikomidi leNdlu njengoluyimfihlo;

(b) oludingidwe yiNdlu noma yikomidi leNdlu emhlanganweni oyinguyazana;

(c) ukudalulwa kwalo okungephula ilungelo lomunye umuntu lokuba nemfihlo; noma

(d) olumenyezelwe njengoluyimfihlo ngokomthetho.

(3) Lolu hlamvu aluphazamisi amalungelo anoma imuphi umuntu okuthola ulwazi ngokomthetho kazwelonke.

Ukwephulwa komgomo wokuziphatha

9.(1) Uma iNdlu, inezinsolo eziphathekayo zokuthi kwephulwe uMgomo wokuziPhatha, kumele –

(a) iqale uphenyo ngamaqiniso kanye nezimo zokwephulwa komgomo wokuziphatha;

(b) inikeze ilungu leNdlu yobuHoli boMdabu ithuba lokuziphendulela ngencwadi mayelana nezinsolo elibekwa zona zokwephula umgomo wokuziphatha; futhi

(c) ibike ngalolu daba emhlanganweni weNdlu uma sekulandelwe izindima (a) no (b).

(2) Umbiko okukhulunywe ngawo kuhlamvana (1)(c) ungadalulelwa umphakathi.

(3) INdlu kumele yethule umbiko ngalokhu okutholakale ngesikhathi kwenziwa uphenyo kwiLungu loMkhandlu oPhethe.

(4) UNobhala weNdlu kumele aqinisekise ukuthi ilungu ngalinye leNdlu uma lithatha isikhundla salo linikezwa ikhophi yalo Mgomo futhi leyo khophi yalo Mgomo itholakala kuwo wonke amagumbi noma kuzo zonke izindawo lapho iNdlu noma ikomidi leNdlu lihlanganela khona.

(5) INdlu –

(a) ingenza uphenyo bese ithola umphumela mayelana nokwephulwa kwezinhlinzeko zomgomo wokuziphatha; noma

(b) ingasungula ikomidi eliyisipesheli –

(i) elizophenya bese liqhamuka nemiphumela mayelana nokwephulwa kwezinhlinzeko zalo Mgomo; futhi

(ii) yenze izincomo ngalokho kwiNdlu.

(6) Uma iNdlu noma ikomidi eliyisipesheli eliqokwe iNdlu ukuba lenze uphenyo lithola ukuthi ilungu leNdlu lephule izinhlinzeko zale ngxenye yoMgomo wokuziPhatha, iNdlu –

(a) inganikeza ilungu leNdlu isexwayiso esibhalwe phansi;

(b) ingajezisa ilungu leNdlu;

(c) ingamisa ilungu leNdlu isikhathi esinganqunywa ngokubonisana neLungu loMkhandlu oPhethe; futhi

(d) ingaxosha ilungu leNdlu ngokubonisana neLungu loMkhandlu oPhethe.

(7)(a) Noma iliphi ilungu leNdlu elithole isexwayiso, isijeziso, elimisiwe noma elixoshiwe ngokwendima (a), (b), (c), noma (d) yohlamvana (6), lingafaka isikhalo kwiLungu loMkhandlu oPhethe ngencwadi ezinsukwini eziyi-14 laziswe ngesinqumo, libeke izizathu ezinqala eziseka isikhalo salo.

(b) Ikhophi yesikhalo kumele ithunyelwe kwiNdlu.

(c) INdlu kungakapheli izinsuku eziyi-14 ithole isikhalo okukhulunywe ngaso kwindima (b), ingenza isethulo esiphathelene nesikhalo ngokubhalela iLungu loMkhandlu oPhethe.

(d) ILungu loMkhandlu oPhethe, ngemuva kokucubungula isikhalo, lingaqinisekisa, lingachitha noma liguqula isinqumo seNdlu bese lazisa ilungu kanye neNdlu ngemiphumela yaleso sikhalo.

(8) ILungu loMkhandlu oPhethe lingaqoka umuntu noma ikomidi elizophenya nganoma iziphi izinsolo zokwephulwa kwezinhlinzeko zalo Mgomo futhi lenze izincomo mayelana nokuthi ilungu leNdlu kufanele limiswe noma lixoshwe.

(9) Uma iLungu loMkhandlu oPhethe libona ukuthi ilungu leNdlu lephule izinhlinzeko zalo Mgomo, nokuthi lokho kuphoqe ukuthi limiswe noma lixoshwe, iLungu loMkhandlu oPhethe –

(a) lingamisa ilungu leNdlu isikhathi esithile nangemibandela enqunywe iLungu oMkhandlu oPhethe; noma

(b) lingaxosha ilungu leNdlu.

(10) Nanoma yiluphi uphenyo olwenziwa ngokwalolu hlamvu kumele lwenziwe ngokuhambisana nemithetho yobulungiswa.

ISITHASISELO A

UKUDALULWA KOKUHLOMULA KANYE NEZIPHO

Mina: ______________________________

Ikheli lePosi: ______________________________

Ikheli leNdawo yokuhlala: ______________________________

Isikhundla: ______________________________

Inombolo yePhezali ______________________________

Inombolo yocingo: ______________________________

Inombolo yefeksi: ______________________________

Ngalokhu ngiyaqinisa ukuthi le minininingwane elandelayo iphelele futhi iyiqiniso ngokolwazi lwami:

1. Amasheya kanye nokunye ukuhlomula ngokwezezimali

Isibalo samasheya/Indlela yokuhlomula ngokwezezimali	Uhlobo	Inani	Igama leNkampani/lebhizinisi

2. Ukuba ngumqondisi nokuhlanganyela ebhizinisini

Igama lebhizinisi noma lebhizinisi ehlanganyelwe	Uhlobo lwebhizinisi	Inani leholo

3. Okuxhunyanwa nabo

Igama lekilayenti	Uhlobo	Uhlobo lomsebenzi owenziwayo	Inani lanoma imiphi imihlomulo etholakalayo

4. Uxhasomali

Umthombo wosizo/woxhasomali	Incazelo yosizo/yoxhasomali	Inani losizo/loxhasomali

5. Izipho nosizo oluvela kwabangesiwona umndeni

Incazelo	Inani	Umthombo

6. Umhlaba nempahla

Ukuchazwa	Ubukhulu	Indawo	Inani

____

ISIGNESHA

USUKU:_____________________

INDAWO: ___________________

UKUFUNGA/UKUQINISA

1. *Ngiyaqinisa ngaphambi kokwenziwa kwesifungo/kokuqinisa ukuthi ngimbuzile le mibuzo elandelayo ofungayo ngase ngibhala phansi izimpendulo zakhe ngaphambi kwakhe:*

(i) Ingabe uyakwazi futhi uyakuqonda okuqukethwe isifungo?

Impendulo_______________

(ii) Ingabe uyaphikisana nokwenza isifungo noma ukuqinisa okubhaliwe?

Impendulo_______________

(iii) Ingabe isifungo noma ukuqinisa okubhaliwe ukuthatha njengokubophezela unembeza wakho?

Impendulo_______________

2. *Ngiyaqinisa ukuthi ofungayo uyakuqonda okuqukethwe yilokhu akufungelayo. Ofungayo usho lamazwi: "Ngiyafunga ukuthi okuqukethwe yilokhu engikufungelayo kuyiqiniso lodwa, Inkosi ingisize." / "Ngiyaqinisa ukuthi okuqukethwe yilokhu engikufungelayo kuyiqiniso lodwa".* Isignesha/ukufka uphawu isithupha kofungayo kwenziwe ngesikhathi sokwenziwa kwesifungo phambi kwami.

UMFUNGISI OSEMTHETHWENI/IJAJI

Amagama aphelele nesibongo:____

(*Bhala ngokuhlukanisa*)

Isikhundla:_________________________osebenzela iRiphabhulikhi yaseNingizimu Afrika

Igama lomgwaqo wesiKhungo:____

Usuku:____________________________ **Indawo:** ____________________________

Isignesha: _________________________________

____

ISIGNESHA YELUNGU LOMKHANDLU OPHETHE

USUKU: _________________________________

IGAMA LELUNGU LOMKHANDLU OPHETHE: _______________________

UMKHAKHA: **WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU**

UHLELO 8

Ukuchithwa kwemithetho

(*Isigaba 80*)

Inombolo kanye nonyaka womthetho	Isihloko	Ubungako bokuchithwayo
UMthetho No. 5 ka 2005	UMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali, 2005	Wonke
UMthetho No. 9 ka 2007	UMthethosichibiyelo wobuHoli boMdabu nokuBusa waKwaZulu-Natali, 2007	Wonke
UMthetho No. 4 ka 1965	UMthetho weziPhathimandla wase-Transkei, 1965	Wonke njengoba usebenza kuMasipala waseNdaweni yaseMzimkhulu
UMthetho No. 68 ka 1951	UMthetho weziPhathimandla zabaNsundu, 1951	Wonke njengoba usebenza kuMasipala waseNdaweni yaseMzimkhulu
UMthetho No. 15 ka 1976	UMthethosisekelo weRiphabhulikhi yase-Transkei, 1976	Wonke njengoba usebenza kuMasipala waseNdaweni yaseMzimkhulu
UMthetho No. 16 ka 1985	UMthetho woMgomo wesiZulu waKwaZulu, 1985	Wonke
Isimemezelo No. R. 151 sika 1987	UMthetho woMgomo wesiZulu waseNatali, 1987	Wonke

IMEMORANDAMU NGEZINHLOSO ZOMTHETHOSIVIVINYO WOBUHOLI BOMDABU NOKUBUSA WAKWAZULU-NATALI, 2013

1. ISENDLALELO

UHulumeni wesiFundazwe saKwaZulu-Natali, ngokuhambisana neSahluko 12 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, iNqubomgomo kaZwelonke ewuHlaka kanye nemithetho kubandakanya uMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003 (uMthetho No. 41 ka 2003), uyakuhlonipha ukuba khona kwemiphakathi yomdabu esiFundazweni.

Ngokuphasiswa kwalo koMthethosivivinyo, uHulumeni wesiFundazwe uhlose –

(a) ukuhlonipha, ukuvikela, ukonga, ukuguqula, kanye nokuhlinzeka ngezimo ezivumela ukuthuthukiswa kwemiphakathi yomdabu, ukusungulwa kwezikhungo zomdabu, kwemithetho yesintu kanye namasiko;

(b) ukucacisa ngendima neqhaza lobuholi bomdabu embusweni kahulumeni wentando yeningi eNingizimu Afrika; kanye

(c) nokubuyisa isithunzi nokuhlonipheka kwesikhungo sobuholi bomdabu ngokuhambisana nemithetho yesintu kanye namasiko.

Ngenxa yokuchitshiyelwa koMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003, kanye nezinselelo okubhekanwe nazo ngesikhathi kuqaliswa uMthetho wobuHoli boMdabu nokuBusa waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005), osebenzayo, kubonakale kunesidingo esikhulu sokuchitshiyelwa kwalo Mthetho, ukuqinisekisa ukuthi uyahambisana nezichibiyelo zoMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003, futhi kuthathwe nesinqumo sokuthi kusungulwe uMthetho omusha ozothatha indawo yoMthetho waKwaZulu-Natali okhona, kunokuba kuchitshiyelwe uMthetho okhona.

Lo mthetho omusha ohlongozwayo uhambisana ngokugcwele noMthethosisekelo, 1996, noMthetho wobuHoli boMdabu nokuBusa owuHlaka, 2003, kanye neminye imithetho ehlobene nawo, ngalokho kuqinisekiswa ukufana uma kusetshenziswa imithetho ethinta izikhungo zomdabu kanye nabaholi bomdabu. Ngaphezu kwalokhu, nangenhloso yokulungiselela ukuqaliswa koMthetho, kusungulwe iziNhlelo eziningi ezihambisana nalo Mthethosivivinyo, kunokuba zifakwe kwimithethonqubo ekhishwa kokuba sekuphasiswe uMthethosivivinyo. Kulo Mthethosivivinyo kunenhlinzeko enikeza iLungu loMkhandlu oPhethe elibhekele ezoMdabu

amandla okuchibiyela iziNhlelo ngesaziso *kwiGazethi* yesiFundazwe ngalokho kuqinisekiswa ukuthi noma iziphi izinselelo okuhlangatshezwana nazo uma kuqaliswa uMthetho kuyobhekwana nazo ngokushesha.

IZINHLOSO ZOMTHETHOSIVIVINYO

Izinjongo zomthethosivivinyo ukuhlinzekela –

(a) ukwamukelwa ngokusemthethweni kweziZwe, kobuholi bomdabu, kanye nezikhungo zomdabu;

(b) uhlaka lokulawula ukuze kwabiwe futhi kunqunywe amaqhaza, amandla nemisebenzi yemikhandlu yomdabu, yabaholi bomdabu kanye nezinye izinhlaka zobuholi bomdabu;

(c) uhlaka lwentuthuko, lokuthuthukiswa kwamakhono kanye nokwesekwa kwemikhandlu yomdabu nezinye izinhlaka zobuholi bomdabu;

(d) ukusungulwa kweNdlu yesiFundazwe yabaHoli boMdabu, iziNdlu zeziFunda zabaHoli boMdabu, kanye neKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu;

(e) ukunqunywa kwamaqhaza, kwamandla kanye nemisebenzi nokwabiwa kwemisebenzi yabelwa lezi zikhungo;

(f) uhlaka lwentuthuko, lokuthuthukiswa kwamakhono kanye nokwesekwa kwezikhungo;

(g) uhlaka oluzokwazi ukweseka ukusebenzisana ngokuhlanganyela kanye nokubusa ngokubambisana phakathi kwazo zonke izinhlaka ezingenhla kanye nohulumeni wesifundazwe;

(h) uMgomo wokuziPhatha;

(i) ukufaka isandla kwamalungu eziZwe;

(j) amandla okulawula kaNdunankulu kanye neLungu loMkhandlu oPhethe;

(k) ukudluliselwa kwamandla, imisebenzi kanye nezivumelwano;

(l) izinhlelo zokuxazulula ukungaboni ngasolinye nokuhlinzekela amacala nezinhlawulo;

(m) izinhlinzeko zesikhashana;

(n) ukuchithwa komthetho wesiFundazwe osebenzayo; kanye

(o) nokunye okuphathelene nalokho.

2. IZINHLOSO KANYE NOKUCHAZWA KWEZIGABA

Isigaba somthetho 1: Izincazelo

Lesi sigaba somthetho siqukethe zonke izincazelo eziphathelene noMthethosivivinyo, futhi kwezinye izindawo kusetshenziswe amagama ajwayelekile ezikhungo zomdabu kanye nabaholi bomdabu ukuze kube lula ukuwuqonda.

Isigaba somthetho 2: Ukusebenza komthetho

Lesi sigaba somthetho sihlinzeka ngokuthi uMthethosivivinyo, uma usumisiwe, uzosebenza esiFundazweni saKwaZulu-Natali.

Isigaba somthetho 3: Imigomo eyimikhombandlela

Isigaba somthetho 3 siphinda imigomo eyimikhombandlela equkethwe eMthethweni wobuHoli boMdabu nokuBusa owuHlaka, 2003 (uMthetho No. 41 ka 2003), futhi sisebenza kuyo yonke imiphakathi yomdabu, izikhungo zomdabu nakubaholi bomdabu KwaZulu-Natali, abanomthwalo wokushintsha nokusungula imithetho yesintu namasiko ehambisana noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996. Ngaphezu kwalokho, zonke izikhungo nabaholi bomdabu abavumelekile ukugqugquzela noma ukuchema nanoma iliphi iqembu lezepolitiki, futhi kumele basebenzise baphinde baqalise imigomo kahulumeni wobumbano, nobudlelwane phakathi kwamazinga kahulumeni ehlukene nemigomo elawula ukuphathwa komphakathi.

Isigaba somthetho 4: Ukwamukelwa ngokusemthethweni nokuhoxiswa kobuNgonyama

Lesi sigaba somthetho sikhuluma ngezinhlinzeko zoMthetho kaZwelonke osebenzayo mayelana nokuwamukelwa ngokusemthethweni kobuNgonyama.

Isigaba somthetho 5: Ukwamukelwa ngokusemthethweni kweziZwe

Lesi sigaba somthetho sihlinzeka ngendlela nangezinhlelo ezizolandelwa imiphakathi yomdabu, okungukufaka isicelo sokwamukelwa ngokusemthethweni kwesiZwe nguNdunankulu. Phakathi kokunye sihlinzeka ngohlelo lokubonisana okumele lwenziwe ngaphambi kokuba uNdunankulu athathe isinqumo, futhi sinika amandla uNdunankulu okuqoka umuntu ozimele noma abantu abazoqhuba uphenyo ukuze kutholakale ukuthi ngabe lowo mphakathi womdabu kufanele yini wamukelwe ngokusemthethweni njengoba usho noma akufanele. Ngaphezu kwalokho, isigaba somthetho sibeka imininingwane yohlelo okumele lulandelwe uNdunankulu uma amukela ngokusemthethweni umphakathi womdabu, lokho kwamukelwa okwenziwa ngokukhipha isaziso

kwiGazethi yesiFundazwe. Ukuze kube lula, ifomu elinquma indlela okumele isicelo sokwamukelwa ngokusemthethweni kwesiZwe sifakwe kulo Mthetho njengoHlelo.

Isigaba somthetho 6: Ukuhoxiswa kokwamukelwa ngokusemthethweni kwesiZwe

Lesi sigaba somthetho sihlinzeka ngezinhlelo ezilandelwayo kanye nemininingwane engenza ukuba uNdunankulu ahoxise ukwamukelwa ngokusemthethweni kwesiZwe, okubandakanya ukuhlukaniswa phakathi kwesiZwe noma ukuhlanganiswa kweziZwe, noma ngabe zazihlanganiswe noma zazihlukaniswe ngaphambi kuka 1994. Ngaphezu kwalokho lesi sigaba somthetho sinika uNdunankulu amandla okuqoka umuntu noma abantu abazoqhuba uphenyo ngokuhoxiswa okuhlongozwayo, kanye nokuhoxiswa kokwamukelwa ngokusemthethweni kweziZwe ngesaziso *kwiGazethi* yesiFundazwe, okwenqaba lokho kuhoxiswa.

Isigaba somthetho 7: Ukwamukelwa ngokusemthethweni kweziZwe ezincane

Lesi sigaba somthetho sihlinzekela ukwamukelwa ngokusemthethweni kweziZwe ezincane ezisezindaweni ezehlukene ngaphansi kwesiZwe, futhi sinquma indlela efanayo nale okumele ilandelwe uNdunankulu esigabeni somthetho 5, yokwamukela ngokusemthethweni leso siZwe esincane, ngesicelo yiNkosi ethintekayo.

Isigaba somthetho 8: Ukuhoxiswa kokwamukelwa ngokusemthethweni kweziZwe ezincane

Lesi sigaba somthetho sihlinzeka ngendlela kanye nezimo ezingenza ukuba isicelo esifakwa iNkosi ethintekayo sokwamukelwa ngokusemthethweni kwesiZwe esincane, sihoxiswe uNdunankulu ngesaziso *kwiGazethi* yesiFundazwe.

Isigaba somthetho 9: Ukwamukelwa ngokusemthethweni kweziGodi

Lesi sigaba somthetho sihlinzeka ngokwamukelwa ngokusemthethweni kweziGodi zesiZwe, nangezindlela okumele zilandelwe umkhandlu womdabu uma ufaka isicelo kuNdunankulu sokwamukela ngokusemthethweni isiGodi.

Isigaba somthetho 10: Ukuhoxiswa kokwamukelwa kwesiGodi

Lesi sigaba somthetho sihlinzeka ngokuthi ukuhoxiswa kokwamukelwa kwesiGodi kungacutshungulwa kuphela uNdunankulu, uma iNkosi nomkhandlu womdabu othintekayo ucela lokho kuhoxiswa futhi benika uNdunankulu amandla okuba aqoke umuntu noma abantu abazokwenza uphenyo ukuze kutholakale ukuthi ingabe lokho kuhoxiswa kufanele.

Isigaba somthetho 11: Ukubekwa kanye nokuholelwa kobuholi bomdabu

Lesi sigaba somthetho sihlinzekela ukubekwa kobuholi bomdabu ngokwalezi zikhundla iSilo, amaKhosi, iziPhakanyiswa kanye neziNduna nezindlela ezisetshenziswayo zokubabeka kulezo zikhundla.

Isigaba somthetho 12: Ukuhlonzwa, nokubekwa nokwehliswa esihlalweni kweSilo

Lesi sigaba somthetho sikhuluma ngezinhlinzeko ezifanele zoMthetho kaZwelonke osebenzayo mayelana nokuhlonzwa, nokubekwa nokwehliswa esihlalweni kweSilo.

Isigaba somthetho 13: Ukuhlonzwa kanye nokubekwa kwamaKhosi

Lesi sigaba somthetho sihlinzeka ngendlela, ngohlelo nangezinqubo zokuhlonzwa kanye nokubekwa kwamaKhosi nguNdunankulu ngesaziso *kwiGazethi* yesiFundazwe, futhi kufakwe noHlelo oluhlinzeka ngemikhombandlela yoMndeni mayelana nokuhlonzwa kozothatha ubuKhosi. Ukuqinisekisa ukuqaliswa kwale mikhombandlela, kwenziwe imizamo yokuhlinzeka uMndeni ngezincazelo ezifanele, kubandakanya uMndeni kanye noZalo, futhi kuchazwe ukuthi iluphi uhlangothi loMndeni okumele luphume nesinqumo sokuhlonzwa ozothatha ubuKhosi, kuncike emasikweni nasemithethweni yesintu elandelwayo yoMndeni kanye neSizwe esithintekayo.

Isigaba somthetho 14: Ukuhlonzwa nokubekwa kweziPhakanyiswa

Lesi sigaba somthetho sihlinzeka ngendlela, ngohlelo nangezinqubo zokuhlonzwa nokubekwa kweziPhakanyiswa nguNdunankulu ngesaziso *kwiGazethi* yesiFundazwe.

Isigaba somthetho 15: Ukuhlonzwa nokubekwa kweziNduna

Lesi sigaba somthetho sihlinzeka ngendlela, ngohlelo nangezinqubo zokuhlonzwa nokubekwa kweziNduna nguNdunankulu ngesaziso *kwiGazethi* yesiFundazwe. UMthetho osebenzayo awukuhlinzekeli ukuhlonzwa nokubekwa kweziNduna, okudale izinkinga uma kuqaliswa uMthetho kaZwelonke owuHlaka nokungabi nasiqiniseko sokuthi singakanani isibalo sezinduna eziqokiwe KwaZulu-Natali. Ukuhlinzekela ukubekwa kweziNduna nguNdunankulu, uMthethosivivinyo uzovumela uMnyango othintekayo ukuba usungule uhlelo lokugcina imininingwane kwikhompuyutha oluzoba neminingwane egcwele yazo zonke iziNduna ezikhona njengamanje KwaZulu-Natali.

Isigaba somthetho 16: Ukuhlonzwa nokubekwa kweSo leSilo kanye neSekela leNkosi

Lesi sigaba somthetho sihlinzeka ngendlela, nangohlelo nangezinqubo zokuhlonza nokubeka iSo leSilo kanye neSo leNkosi nguNdunankulu ngesaziso *kwiGazethi* yesiFundazwe, futhi sinikeza uNdunankulu amandla okuhlonza umuntu ofanelekile njengeSo leSilo noma leNkosi, uma isiZwe esithintekayo singenaye umholi womdabu.

Isigaba somthetho 17: IBambabukhosi, iBambela kanye neSekela leNkosi

Lesi sigaba somthetho sihlinzekela ngendlela, nangohlelo nangezinqubo zokuhlonza nokubeka iBambabukhosi, iBambela neSekela leNkosi nguNdunankulu ngesaziso *kwiGazethi* yesiFundazwe. Ngenxa yezinselelo okubhekwane nazo kuqaliswa uMthetho okhona, kusungulwe izikhala ezimbili zeBambabukhosi neSekela leNkosi ukubhekelela izimo lapho kungakahlonzwa ozobekwa njengeNkosi, noma lapho khona umholi womdabu othintekayo ezobe engekho phakathi kwesiZwe isikhathi esingaphezu kwezinyanga eziyi-6 ngenxa yezizathu ezehlukene, nalapho khona umholi womdabu othintekayo eqokelwe esikhundleni sezepolitiki noma eqokelwe ukusebenzela uhulumeni ngokugcwele.

Isigaba somthetho 18: Izizathu zokwehliswa esikhundleni kwabaholi bomdabu

Lesi sigaba somthetho sihlinzekela ngezimo ezingenza ukuba uNdunankulu ehlise esikhundleni nanoma imuphi umholi womdabu ngesaziso *kwiGazethi* yesiFundazwe.

Isigaba somthetho 19: Ukwehliswa esihlalweni kwamaKhosi

Lesi sigaba somthetho sihlinzekela indlela uMndeni okumele uyilandele uma ufaka isicelo kuNdunankulu sokwehlisa iNkosi esihlalweni, ngezizathu zokungafaneleki kweNkosi ezihlongozwe esigabeni somthetho 13(2), noma uma kwenzeke iphutha kwangalandelwa inqubo ehlongozwe esigabeni somthetho 13(2), lokho kwehliswa esihlalweni kumele kwenziwe ngesaziso *kwiGazethi* yesiFundazwe.

Isigaba somthetho 20: Ukwehliswa esihlalweni kweziPhakanyiswa

Lesi sigaba somthetho sihlinzekela indlela noma yiliphi ilungu lomkhandlu womdabu okumele liyilandele uma lifaka isicelo kuNdunankulu sokwehlisa esihlalweni isiPhakanyiswa. Izinhlinzeko zenziwe zesikhathi okumele iziPhakanyiswa zibe sezikhundleni esiphela eminyakeni eyi-5, futhi lokhu kuhambisana nesikhathi sokusebenza kwemikhandlu yomdabu.

Isigaba somthetho 21: Ukwehliswa esikhundleni kweziNduna

Lesi sigaba somthetho sihlinzekela indlela okumele ilandelwe uma kufakwa isicelo kuNdunankulu sokwehliswa esihlalweni kweNduna, lokho kwehliswa esikhundleni kumele kwenziwe ngesaziso *kwiGazethi* yesiFundazwe.

Isigaba somthetho 22: Ukwehliswa esikhundleni kweSo leSilo kanye neSo leNkosi

Lesi sigaba somthetho sihlinzekela indlela okumele ilandelwe uma kufakwa isicelo kuNdunankulu sokwehliswa esikhundleni kweSo leSilo kanye neSo leNkosi, lokho kwehliswa esikhundleni kumele kwenziwe ngesaziso *kwiGazethi* yesiFundazwe.

Isigaba somthetho 23: Ukususwa kweBambabukhosi, iBambela kanye neSekela leNkosi

Lesi sigaba somthetho sihlinzekela ukuthi ukubekwa kweBambabukhosi, iBambela kanye neSekela leNkosi kungahoxiswa ngokusebenza komthetho noma njengoba kuhlinzekwe ezigabeni zomthetho 18, 68 no 70 zoMthethosivivinyo.

Isigaba somthetho 24: Ukusungulwa, ukubunjwa nokwethulwa komkhandlu wobukhosi

Lesi sigaba somthetho sikhuluma ngezinhlinzeko ezifanele zoMthetho kaZwelonke osebenzayo mayelana nokusungulwa, nokubunjwa nokwethulwa komkhandlu wobukhosi.

Isigaba somthetho 25: Ukusungulwa, ukubunjwa nokwethulwa kwemikhandlu yomdabu

Lesi sigaba somthetho sihlinzekela kabanzi ukusungulwa, ukubunjwa nokwethulwa kwemikhandlu yomdabu, futhi senza ukuthi isigaba somthetho sisebenze uma kusungulwa, kubunjwa futhi kwethulwa imikhandlu emincane yobuholi bomdabu. Ukuze kuqinisekiswe ukubunjwa kwemikhandlu yomdabu ngokuhambisana nemikhombandlela eshicilelwe uNgqongqoshe obhekele iziNdaba zoMdabu, kusungulwe uHlelo lwafakwa kulo Mthethosivivinyo, lolu Hlelo luhlinzekela ngesibalo samalungu omkhandlu womdabu ngamunye, okumele singeqi kumalungu angama-50, kuye ngesibalo seziNduna zeziGodi zesiZwe ngasinye, futhi sihlinzekela inani eliphansi labesifazane emkhandlwini womdabu ngamunye. Isigaba somthetho sinika uNdunankulu amandla okwehlisa inani eliphansi labesifazane emkhandlwini womdabu ngamunye ngenxa yezizathu ezithile, futhi sichaza ngenqubo yokwamukelwa ngokusemthethweni komkhandlu womdabu nguNdunankulu ngokukhipha isaziso *kwiGazethi* yesiFundazwe kanye nendlela okumele ilandelwe umkhandlu emhlanganweni wawo wokuqala.

Isigaba somthetho 26: Ukushiywa kwezikhundla nokugcwaliswa kwezikhala

Lesi sigaba somthetho sihlinzekela izimo ezingenza ukuthi kube nesikhala emkhandlwini womdabu futhi sihlinzekela indlela okugcwaliswa ngayo izikhala emkhandlwini womdabu.

Isigaba somthetho 27: Ukuhoxiswa kokwamukelwa kwemikhandlu yomdabu

Lesi sigaba somthetho sihlinzeka ngokuthi lapho uNdunankulu ehlakaza isiZwe ngokwesigaba somthetho 6 soMthethosivivinyo, ukhipha isaziso ngokwesigaba somthetho 6, kumele futhi ahlinzeke ngokuhoxiswa kokwamukela komkhandlu womdabu othintekayo.

Isigaba somthetho 28: Amajoka, amandla nemisebenzi yeSilo

Lesi sigaba somthetho sihlinzekela amajoka, amandla kanye nemisebenzi yeSilo, kusukela emasikweni nasemithethweni yesintu nakwizinhlinzeko zomthetho, kanye namaqhaza anikezwe iSilo uMkhandlu oPhethe.

Isigaba somthetho 29: Amajoka, amandla nemisebenzi yamaKhosi

Amajoka, amandla kanye nemisebenzi yamaKhosi ibekiwe kulesi sigaba somthetho futhi kwahlinzekelwa nezinhlaka zikahulumeni wesifundazwe ukuba zabe noma zidlulisele amanye amaqhaza, amandla kanye nemisebenzi yamaKhosi, ngokusebenzisa umthetho nezokuphatha. Isigaba somthetho siphinde sihlinzekele indlela nanoma iluphi uhlaka lombuso okumele liyilandele uma labela amaKhosi amaqhaza, amandla noma imisebenzi, kanye nendlela okumele amakhosi abambe ngayo la maqhaza, asebenzise ngayo amandla futhi enze ngayo imisebenzi anikezwe yona, futhi kuyisibopho seLungu loMkhandlu oPhethe ukuqapha ukuqaliswa kwalesi sigaba somthetho.

Isigaba somthetho 30: Amajoka, amandla nemisebenzi yeBambabukhosi, yeBambela, yeSekela leNkosi neSo leSilo

Lesi sigaba somthetho sihlinzeka ngokuthi, amajoka, amandla kanye nemisebenzi eyabelwe amaKhosi ngokwesigaba somthetho 29(1) iphinde yenziwe iBambabukhosi, iBambela, iSekela leNkosi kanye neSo leSilo.

Isigaba somthetho 31: Ukwabiwa kwamajoka, amandla nemisebenzi yeBambabukhosi, yeBambela, yeSekela leNkosi neSo leSilo

Lesi sigaba somthetho sihlinzeka ngokuthi amajoka, amandla kanye nemisebenzi eyabelwe amaKhosi izinhlaka zombuso, ngokwesigaba somthetho 29(2) iphinde yenziwe iBambabukhosi, iBambela, iSekela leNkosi kanye neSo leSilo.

Isigaba somthetho 32: Amajoka, amandla nemisebenzi yeziNduna

Lesi sigaba somthetho sibalula wonke amajoka, amandla kanye nemisebenzi yeziNduna, njengoba ibalulwe uHulumeni kaZwelonke emibhalweni eyehlukene, kubandakanya nencazelo yomsebenzi owenziwa iziNduna esungulwe iKhomishana eziMele ebhekele ukuKhokhelwa kweziPhathimandla zikaHulumeni.

Isigaba somthetho 33: Amajoka, amandla nemisebenzi yemikhandlu yomdabu

Lesi sigaba somthetho sihlinzekela amajoka, amandla kanye nemisebenzi yemikhandlu yomdabu futhi kusona kuhlinzekelwe ukuthi izinhlaka zombuso zihlinzekele amanye amaqhaza, amandla kanye neminye imisebenzi yamaKhosi, ngokusebenzisa umthetho nezokuphatha. Lesi sigaba somthetho siphinde sihlinzeke ngokuthi noma nini uma uhlaka lombuso lucabanga ukwabela umkhandlu womdabu amaqhaza, amandla kanye nemisebenzi, ngokuwunika amajoka, ukudlulisela amandla, kanye nezivumelwano zama-ejensi noma amandla okwenza okulimela, njengoba kuhlongozwe esigatshaneni somthetho (2) sesigaba somthetho 33, izinhlinzeko zesigaba somthetho 29(3) zisebenza nezinguquko ezidingekayo. Isigaba somthetho futhi sihlinzeka ngokuthi iLungu loMkhandlu oPhethe kumele liqaphe ukufezwa kwamajoka, ukusetshenziswa kwamandla kanye nokwenziwa kwemisebenzi eyabiwe njengoba kuhlongozwe kulo Mthetho nakweminye imithetho esebenzaa emikhandlwini yomdabu futhi lingangenelela uma umkhandlu ungenzi okulindeleke kuwona. ILungu loMkhandlu oPhethe uma libona ukuthi umkhandlu womdabu uyehluleka ukwenza imisebenzi eyabelwe yona ngendlela efanele ngokwalo Mthetho, noma ngendlela egqugquzela ukubusa okuhle nokuphatha, lingaqoka umuntu ozobhekela ezokuphatha ozosiza umkhandlu womdabu othintekayo ukusebenzisa amandla nokwenza imisebenzi yawo lowo mkhandlu womdabu. Izinhlinzeko zalesi sigaba somthetho kanye nesigaba somthetho 34, sisebenza nezinguquko ezidingekayo kunoma imuphi umkhandlu omncane womdabu osungulwe futhi wethulwa njengoba kuhlongozwe esigabeni somthetho 7.

Isigaba somthetho 34: Ukusebenzisana phakathi komasipala nemikhandlu yomdabu

Lesi sigaba somthetho sihlinzekela ukuthi uMnyango ugqugquzele ukusebenzisana phakathi komasipala nemikhandlu yomdabu.

Isigaba somthetho 35: Ukwesekwa kwemikhandlu yomdabu

Lesi sigaba somthetho sihlinzeka ngokuthi iLungu loMkhandlu oPhethe kumele leseke imikhandlu yomdabu kubandakanya nokusiselwa kwabasebenzi emikhandlwini yomdabu. Isigaba somthetho siphinde sihlinzeke ngokuthi abasebenzi abasiselwe emikhandlwini yomdabu kumele babike kumuntu obekwe iNkosi ethintekayo.

Isigaba somthetho 36: Imihlangano yemikhandlu yomdabu

Lesi sigaba somthetho sihlinzekela ukulawulwa kwezinqubo kwemihlangano yemikhandlu yomdabu. Imihlangano yemikhandlu yomdabu kumele yenganyelwe iNkosi yesiFunda umkhandlu womdabu engaphansi kwayo. Isigaba somthetho futhi sihlinzekela ukukhethwa kwesekela likasihlalo amalungu omkhandlu womdabu emhlanganweni wawo wokuqala. Isigaba somthetho siphinde sihlinzeke ngokuthi yonke imikhandlu yomdabu kumele ibambe imihlangano ejwayelekile okungenani kanye ngekota yonyaka.

Isigaba somthetho 37: Amaminithi emihlangano

Lesi sigaba somthetho sihlinzeka ngokuthi imikhandlu yomdabu kumele igcine amamininthi ayo yonke imihlangano futhi kubalulwe yonke imininingwane okumele ibhalwe kumaminithi. Isigaba somthetho siphinde sihlinzeke ngokuthi ikhophi yamaminithi ayo yonke imihlangano yomkhandlu womdabu kumele ithunyelwe ehhovisi lesifunda esifanele loMnyango kungakapheli izinsuku eziyishumi nanhlanu kubanjwe noma imuphi umhlangano.

Isigaba somthetho 38: Ukukhokhelwa kwamalungu emikhandlu yomdabu izindleko zokuhamba ngokomsebenzi

Lesi sigaba somthetho sihlinzeka ngokuthi uNdunankulu, ngokubonisana neLungu loMkhandlu oPhethe kanye neLungu loMkhandlu oPhethe elibhekele ezezimali, anganquma mayelana nokukhokhelwa kwamalungu emikhandlu yomdabu izindleko zokuhamba ngokomsebenzi.

Isigaba somthetho 39: Ukusungulwa nobulungu kwiNdlu yabaHoli boMdabu yesiFundazwe saKwaZulu-Natali

Lesi sigaba somthetho sihlinzekela ukusungulwa kweNdlu yabaHoli boMdabu yesiFundazwe saKwaZulu-Natali. Lesi sigaba somthetho siphinde sihlinzeke ngokuthi isikhathi sokuba sesikhundleni kwamalungu eNdlu yesiFundazwe iminyaka emihlanu okumele sihambisane nesikhathi sokuba sesikhundleni kwamalungu eNdlu yabaHoli boMdabu kaZwelonke. Isigaba somthetho siphinde sihlinzeke ngokuthi isikhathi sokuba sesikhundleni samalungu eNdlu yesiFundazwe angeke sinqamuke amalungu amasha eNdlu yesiFundazwe aqala ukusebenza. Isigaba somthetho siphinde sihlinzeke ngokuthi amalungu eNdlu yesiFundazwe kumele kube oSihlalo bemikhandlu yomdabu esungulwe futhi yethulwa ngokwalo Mthethosivivinyo.

Isigaba somthetho 40: Ukubunjwa kanye nezikhundla zeNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzeka ngokuthi iNdlu yesiFundazwe iqukethe iSilo noma abakhethwe yisona abaphakathi kwamalungu amathathu kuya kwayisikhombisa akhethwe kwiNdlu yesiFunda yabaHoli boMdabu ngayinye. Lesi sigaba siphinde sihlinzeke ngokuthi iNdlu yesiFunda kumele ikhethe amalungu ayo isibalo sabantu abazoyimela kwiNdlu yesiFundazwe njengoba kuhlongozwe oHlelweni 5 lo Mthethosivivinyo. Lesi sigaba somthetho siphinde sihlinzeke ngokuthi iNdlu yesiFundazwe ingasungula futhi ikhethe ikomidi eliphethe.

Isigaba somthetho 41: Ukufaneleka ukuba ilungu leNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela indlela eyenza ukuba umuntu angafaneleki ukuba yilungu leNdlu yesiFundazwe.

Isigaba somthetho 42: Ukushiya esikhundleni kwiNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela ukushiya isikhundla kwiNdlu yesiFundazwe futhi sihlinzeka ngezimo ezingenza ukuthi kuvele isikhala selungu leNdlu yesiFundazwe.

Isigaba somthetho 43: Ukugcwaliswa kwezikhala kwiNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela izinqubo ezilandelwayo uma kuvela isikhala kwiNdlu yesiFundazwe futhi sihlinzeka ngokuthi uNobhala weNdlu yesiFundazwe kumele ezinsukwini eziyi-14 sivelile, azise iLungu loMkhandlu oPhethe ngesikhala esivelile ngemuva kwalokho azise uNdunankulu ngokushesha. Isigaba somthetho siphinde sihlinzeke ngokuthi nanoma isiphi isikhala esivelile kumele sigcwaliswe ezinsukwini ezingama-60 ngendlela ehlongozwe esigabeni somthetho 40(2) soMthethosivivinyo.

Isigaba somthetho 44: Ukukhethwa kukaSihlalo neKomidi eliPhethe leNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzeka ngokuthi iNdlu yesiFundazwe kumele ihlangane ezinsukwini ezingama-30 kukhethwe iNdlu entsha yesiFundazwe endaweni nangesikhathi esinqunywe uNdunankulu ngesaziso *kwiGazethi* yesiFundazwe. Isigaba somthetho siphinde sihlinzekele ukuthi iJaji leNkantolo ePhakeme libambe njengoSihlalo emhlanganweni wokuqala kuze kube amalungu akhetha uSihlalo noSekela Sihlalo futhi sihlinzekela ukukhethwa kweKomidi eliPhethe nokushiya kukaSihlalo noma uSekela Sihlalo siphinde sihlinzekele nokugcwaliswa kwaleso sikhala somsebenzi.

Isigaba somthetho 45: Isimo samalungu eNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzeka ngokuthi usihlalo kanye nosekela sihlalo wendlu yesiFundazwe bangamalungu asebenza ngokugcwele eNdlu yesiFundazwe. Isigaba somthetho siphinde sihlinzeke ngokuthi uNdunankulu ngemuva kokuxhumana neNdlu yesiFundazwe anganquma ngesaziso *kwiGazethi* yesiFundazwe ukuthi amalungu athile eNdlu yesiFundazwe asebenza ngokugcwele kwiNdlu yesiFundazwe.

Isigaba somthetho 46: Ukukhethwa kwezithunywa kwiNdlu kaZwelonke

Lesi sigaba somthetho sihlinzeka ngokuthi iNdlu yesiFundazwe kumele ikhethe izithunywa zayo ezizoyimela kwiNdlu kaZwelonke emhlanganweni wayo wokuqala ngokuhambisana nezinhlinzeko eziqukethwe eMthethweni weNdlu yabaHoli boMdabu kaZwelonke, 2009 (uMthetho No. 22 ka 2009).

Isigaba somthetho 47: Imihlangano yeNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela imihlangano nezinqubo zemihlangano yeNdlu yesiFundazwe futhi sihlinzeka ngokuthi umhlangano ojwayelekile weNdlu yesiFundazwe kumele ubanjwe okungenani kanye ngekota yonyaka futhi sihlinzekela imihlangano ephuthumayo yeNdlu yesiFundazwe engabizwa uNdunankulu, iKomidi eliPhethe leNdlu noma uma ubizwe ngamalungu okungenani ayishumi eNdlu yesiFundazwe.

Isigaba somthetho 48: Imithetho yeNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela izindaba ezehlukene mayelana nokuthi iNdlu yesiFundazwe kumele ilandele iMithetho yeNqubo.

Isigaba somthetho 49: Amaqhaza, amandla kanye nemisebenzi yeNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela amaqhaza, amandla kanye nemisebenzi yeNdlu yesiFundazwe futhi sihlinzeka ngokuthi iNdlu yesiFundazwe kumele imele, ivikele futhi igqugquzele izifiso zazo zonke iziZwe ezamukelwe ngokusemthethweni ngokoMthethosivivinyo kanye nezikhungo zobuholi bomdabu. Isigaba somthetho siphinde sihlinzeke ngokuthi iNdlu yesiFundazwe kumele ibhekele ukuvikelwa, ukugqugquzelwa nohlelwa kokusebenza kwemithetho wesintu namasiko. INdlu yesiFundazwe ihlinzekelwe ngokwenza ucwaningo mayelana nezindaba ezibalulwe esigabeni somthetho uma icelwa iLungu loMkhandlu oPhethe. INdlu yesiFundazwe ingenza izincomo kwiLungu loMkhandlu oPhethe ngezinhlelo zesifundazwe eziphathelene nezindaba zomdabu noma ngokuqukethwe nokudidiyelwa kwezinhlelo zikamasipala zentuthuko nokubeka imibono ngemithethosivivinyo yesiFundazwe ethinta iziZwe. INdlu yesiFundazwe kumele phakathi kokunye igcine amarekhodi futhi ibe nezitatimende zayo zezimali ezicwaningwe uMncwaningimabhuku-Jikelele.

Isigaba somthetho 50: Ezokuphatha kanye nesibopho sokubika seNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela ukuqokwa kukaNobhala weNdlu yesiFundazwe yiLungu loMkhandlu oPhethe. UNobhala ubhekele ezokuphathwa kweNdlu. Isigaba somthetho futhi siphinde sihlinzekele ukuthi iLungu loMkhandlu oPhethe lidlulisele abasebenzi boMnyango njengoba kungadingeka ukuze kwenziwe umsebenzi weNdlu yesiFundazwe.

Isigaba somthetho 51: Amaholo, izibonelelo kanye nemihlomulo ekhokhelwa amalungu eNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzekela ukuthi amaholo, izibonelelo kanye nemihlomulo kaSihlalo, uSekela Sihlalo kanye nemalungu ajwayelekile eNdlu yesiFundazwe kunjengoba kunqunyiwe eMthethweni wokuKhokhelwa kweziPhathimandla zikaHulumeni, 1998 (uMthetho No. 20 ka 1998).

Isigaba somthetho 52: Ukwesekwa kweNdlu yesiFundazwe

Lesi sigaba somthetho sihlinzeka ngokuthi uHulumeni wesiFundazwe kumele athathe izinyathelo ezidingekayo ukweseka nokusimamisa ikhono lokusebenza kweNdlu yesiFundazwe. Lokhu kwesekwa kungabandakanya ukuhlinzekwa ngezingqalasizinda, ngezimali, ngabasebenzi, ngezinhlelo zokuthuthukiswa kwamakhono kanye nezinhlelo zezokuphatha.

Isigaba somthetho 53: Ukusungulwa kweziNdlu zeziFunda zabaholi bomdabu

Lesi sigaba somthetho sihlinzekela ukusungulwa kweziNdlu zeziFunda ngaphansi komasipala bezifunda abakhelwe iziZwe ezinhlanu noma ngaphezulu. Isigaba somthetho sihlinzeka futhi ngokuthi uma kuneziZwe ezingaphansi kwezinhlanu endaweni engaphansi kukamasipala wesifunda, abaholi bomdabu bakulowo masipala wesifunda kumele bakhethe phakathi kwabo ozomela iziZwe emihlanganweni yalowo masipala wesifunda.

Isigaba somthetho 54: Ukubunjwa kanye namakomidi aphethe ezindlu zezifunda

Lesi sigaba somthetho sihlinzeka ngokuthi iNdlu yesiFunda ngayinye iqukethe wonke amaKhosi angaphansi kukamasipala wesifunda futhi sihlinzekela ukuthi iNdlu yesiFunda ngayinye isungule futhi ikhethe ikomidi eliphethe elibunjwe amalungu angeqile kwayisikhombisa aleyo Ndlu yesiFunda.

Isigaba somthetho 55: Imihlangano yeziNdlu zeziFunda

Lesi sigaba somthetho sihlinzekela imihlangano yeziNdlu zeziFunda futhi sihlinzeka ngokuthi iLungu loMkhandlu oPhethe kumele ngesaziso *kwiGazethi* yesiFundazwe, libize imihlangano yeziNdlu zeziFunda futhi liphinde liqoke umuntu ozoba uSihlalo kuze kube uSihlalo kanye noSekela Sihlalo baqokwa amalungu eNdlu.

Isigaba somthetho 56: Amaqhaza, amandla kanye nemisebenzi eNdlu yesiFunda

Lesi sigaba somthetho sihlinzeka ngokuthi amaqhaza, amandla kanye nemisebenzi yeziNdlu zeziFunda zabaHoli boMdabu, phakathi kokunye, ukweluleka umasipala wesifunda noma womkhandludolobha othintekayo ngezindaba eziphathelene nemithetho yesintu, amasiko, ubuholi bomdabu kanye neziZwe ezingaphansi kukamasipala wesifunda noma womkhandludolobha nokusungula izinhlaka zokuhlela noma imithetho yomasipala ethinta iziZwe, ukubamba iqhaza ezinhlelweni zomphakathi ezihlose ukuthuthukisa imiphakathi yasemakhaya nokubamba iqhaza ezinhlelweni zomphakathi zokuqapha, nokubuyekeza nokuhlola izinhlelo zikahulumeni ezindaweni zasemakhaya. Isigaba somthetho siphinde sihlinzeke ngokuthi izindlu zezifunda zingaphawula nganoma imiphi imithetho kamasipala wesifunda noma womkhandludolobha ethinta amasiko kanye nemithetho yesintu yeziZwe ezingaphansi kwawo noma ephathelene nokuhlinzekwa kwemisebenzi noma kokuklanywa kwemingcele noma komhlaba okuthinta isiZwe.

Isigaba somthetho 57: Ukudluliselwa kwemithetho esahlongozwa kwiNdlu yesiFundazwe kanye nakwiziNdlu zeziFunda

Lesi sigaba somthetho sihlinzekela imithetho esahlongozwa ephathelene noma ethinta iziZwe, izikhungo zomdabu, imithetho yesintu namasiko, okumele idluliselwe kwiNdlu yesiFundazwe noma kwiziNdlu zeziFunda ukuze kuphawulwe ngawo. Mayelana nemithetho yesiFundazwe, uSomlomo wesiShayamthetho kumele ethule imithetho ohlongozwayo kwiNdlu yesiFundazwe ukuze kuphawulwe ngawo kanti mayelana nemithetho ehlongozwayo yohulumeni basekhaya (isibonelo: imithetho yomasipala) uSomlomo womkhandlu kamasipala othintekayo kumele adlulisele imithetho ehlongozwayo kwiNdlu yesiFunda ethintekayo ukuze iphawule ngawo.

Isigaba somthetho 58: Ukusungulwa kweKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu

Lesi sigaba somthetho sihlinzekela ukusungulwa kweKhomishana yesiFundazwe saKwaZulu-Natali ebhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu.

Isigaba somthetho 59: Ukubunjwa kanye nesikhathi sokuba sesikhundleni kweKhomishana yesiFundazwe

Lesi sigaba somthetho sihlinzekela ukubunjwa kanye nesikhathi sokusebenza kweKhomishana. Ngokwalesi sigaba somthetho, uNdunankulu, ngemuva kokubonisana neLungu loMkhandlu oPhethe kanye neLungu loMkhandlu oPhethe elibhekele ezezimali, kumele ezinyangeni ezi-3 ngemuva kokuphasiswa koMthetho, nangokushicilelwa *kwiGazethi* yesiFundazwe, aqoke abantu abahlanu abazoba amalungu eKhomishana yesiFundazwe abanolwazi olunzulu mayelana nomlando kanye nemithetho esebenzayo nezokuphatha mayelana neziZwe, imithetho yesintu kanye namasiko, ubuholi bomdabu noma ezinye izikhungo zomdabu. Isigaba somthetho siphinde sihlinzeke ngokuthi isikhathi sokusebenza kwamalungu eKhomishana iminyaka emihlanu futhi uNdunankulu angaqokela lelo Komidi lesiFundazwe kwiKomidi likaZwelonke elibhekele ukuNgaboni Ngasolinye neziMangalo eziphathelene nobuHoli boMdabu elisungulwe ngokoMthetho lobuHoli boMdabu nokuBusa owuHlaka, 2003.

Isigaba somthetho 60: Imihlangano neMithetho yeKhomishana yesiFundazwe

Lesi sigaba somthetho sihlinzeka ngokuthi iKhomishana yesiFundazwe kumele ihlangane zingakapheli izinsuku ezingama-30 ngemuva kokukhishwa kwesaziso esihlongozwe esigabeni 59(1) soMthethosivivinyo ukuze inqume imithetho ezoqhuba nezophatha misebenzi yayo futhi iKhomishana kumele ihlangane uma kunesidingo sokuthi icubungule futhi ithathe isinqumo

mayelana nokungaboni ngasolinye noma ngesimangalo esidluliselwe kuyo ngokoMthethosivivinyo.

Isigaba somthetho 61: Izikhala zoMsebenzi kanye nokugcwaliswa kweziKhala

Lesi sigaba somthetho sihlinzekela ukuvela kwesikhala kwiKhomishana futhi sihlinzekela ukugcwaliswa kwaleso sikhala.

Isigaba somthetho 62: Amandla kanye nemisebenzi yeKhomishana

Lesi sigaba somthetho sihlinzekela amandla kanye nemisebenzi yeKhomishana. IKhomishana kumele yenze imisebenzi futhi isebenzise amandla ngokwalo Mthethosivivinyo futhi iphenye, yethule umbiko futhi yenze nezincomo nganoma ikuphi ukungaboni ngasolinye noma nesimangalo esalethwa kwiKhomishana kaZwelonke ngemuva komhla lu-1 kuMandulo 2010, kanye nanoma ikuphi ukungaboni ngasolinye noma isimangalo esisha esifakwe ngemuva kosuku lokuqala kokusebenza kwalo Mthethosivivinyo. Isigaba somthetho siphinde sihlinzeke ngokuthi iKhomishana kumele iphenye nanoma iziphi izindaba ezidluliselwe kuyona nguNdunankulu ngokuhambisana nezinhlinzeko zoMthethosivivinyo futhi, uma icelwa iLungu loMkhandlu oPhethe, iphenye, yethule umbiko futhi yenze nezincomo nganoma iluphi udaba oluphathelene nesiZwe, imikhandlu yomdabu, ubuholi bomdabu, abaholi bomdabu kanye nezinye izikhungo zomdabu noma olubandakanya ubudlelwano phakathi kwezinhlaka zombuso kanye nabaholi bomdabu abangenhla kanye nezikhungo ezingenhla. Ngokwalesi sigaba somthetho iKhomishana yesiFundazwe inesibopho sokwethula umbiko njalo ngemisebenzi eyenzayo kuNdunankulu.

Isigaba somthetho 63: Ukweseka kweKhomishana

Lesi sigaba somthetho sihlinzeka ngokuthi iLungu loMkhandlu oPhethe kumele lihlinzeke ngosizo oludingekayo lwezokuphatha, lwezimali nangokunye ukwesekwa kweKhomishana ukuze ikwazi ukwenza imisebenzi yayo, iKhomishana ingaqoka umuntu noma isikhungo esizoqhuba ucwaningo egameni layo.

Isigaba somthetho 64: Ukususwa esikhundleni kwamalungu eKhomishana

Lesi sigaba somthetho sihlinzeka ngokuthi uNdunankulu, ngemuva kokubonisana neLungu loMkhandlu oPhethe, angasusa esikhundleni ilungu leKhomishana nganoma iziphi izizathu ezibekwe esigabeni somthetho 64.

Isigaba somthetho 65: isifungo sokuthatha isikhundla

Lesi sigaba somthetho sihlinzekela isifungo noma isiqinisekiso okumele kwenziwe yibo bonke abaHoli boMdabu, amalungu omkhandlu womdabu, iNdlu yesiFundazwe yabaHoli boMdabu kanye neziNdlu zeziFunda zabaHoli boMdabu okuhlongozwe kuMthethosivivinyo. Isifungo nesiqinisekiso kuqukethwe kwiziNgxenye A no B zoHlelo 7 loMthethosivivinyo.

Isigaba somthetho 66: UMgomo wokuziPhatha

Lesi sigaba somthetho sihlinzeka ngokuthi uMgomo wokuziPhatha oqukethwe oHlelweni 6 kuMthethosivivinyo usebenza kubo bonke abaholi bomdabu nakuwo wonke amalungu emikhandlu yomdabu KwaZulu-Natali, kuncike ekutheni izinhlinzeko zeNgxenye C yoMgomo wokuziPhatha oqukethwe oHlelweni 7 lwalo Mthetho, ziyasebenza, nezinguquko ezidingekayo, kubo bonke abaholi bomdabu kanye namalungu emikhandlu yomdabu KwaZulu-Natali. Lesi sigaba somthetho siphinde sihlinzeke ngokuthi uMgomo wokuziPhatha oqukethwe oHlelweni 7 lwalo Mthethosivivinyo usebenza kuwo wonke amalungu eNdlu yesiFundazwe naweziNdlu zeziFunda KwaZulu-Natali, kuncike ekutheni zinhloso zeNgxenye C zoMgomo wokuziPhatha okukhulunywe ngawo, uma kukhulunywa “ngeNdlu” kubandakanywa iNdlu yesiFundazwe kanye neziNdlu zeziFunda.

Isigaba somthetho 67: Amandla oMkhandlu oPhethe okubizela abaholi bomdabu esigcawini

Lesi sigaba somthetho sihlinzeka ngokuthi uMkhandlu oPhethe, uma kunesidingo, ungabizela esigcawini noma yimuphi umholi womdabu, ngokumbhalela incwadi ukuba avele ngaphambi kwawo uma ufuna ukumphenya nganoma yiluphi udaba olukhinyabeza noma olungahle lukhinyabeze isiZwe esithintekayo nanoma yiluphi udaba olubalulekile noma oluthinta ngqo noma ngandlela thile lowo mholi womdabu ngokwesikhundla sakhe noma oluphazamisa uHulumeni wesiFundazwe ekwenzeni imisebenzi yakhe nanoma yiluphi olunye udaba olungahle lungabi nomthelela omuhle ekuphatheni kukaHulumeni wesiFundazwe endaweni leso siZwe esithintekayo esikuyona. Lesi sigaba somthetho siphinde sihlinzeke ngokuthi uMkhandlu oPhethe ngemuva kokucubungula udaba, ungayalela umholi womdabu ukuba athathe izinyathelo ezithile ukuze axazulule inkinga noma ungayalela iLungu loMkhandlu oPhethe ukuba lenze uphenyo ngokwalo Mthethosivivinyo.

Isigaba somthetho 68: Uphenyo ngokungaziphathi kahle

Lesi sigaba somthetho sihlinzeka ngokuthi iLungu loMkhandlu oPhethe kumele libeke umholi womdabu icala lokungaziphathi kahle uma kunezinsolo zokuthi unecala lokungaziphathi kahle. Lesi sigaba somthetho siphinde sihlinzeke ngenqubo okumele ilandelwe uma kubekwa umholi womdabu icala futhi sihlinzeka ngokuthi kumele kuchazwe ngemininingwane yezinsolo zecala abekwe lona nokuthi umholi womdabu kumele anikezwe ithuba lokuziphendulela ngokubhalwe phansi mayelana nalezo zinsolo ezinsukwini ezingama-21, avume noma aphike lezo zinsolo. Uma umholi womdabu eliphika icala noma ehluleka ukuziphendulela ezinsukwini ezingama-21, iLungu loMkhandlu oPhethe kumele liqoke isikhulu esizokwengamela uphenyo mayelana nezinsolo. Isigaba somthetho siphinde sihlinzeke inqubo yokwenza uphenyo futhi sihlinzeka ngokuthi uma uphenyo selufinyelele emaphethelweni, isikhulu esengamele uphenyo kumele sithumele esikutholile, amarekhodi, okuqhubekile ngesikhathi sophenyo, nesikuphawulile ngesikhathi sophenyo kanye nenzincomo nanoma iziphi izijeziso eliziphakamisayo kwiLungu loMkhandlu oPhethe ukuze likucubungule. Ngemuva kwalokho iLungu loMkhandlu oPhethe linganikeza lowo othintekayo isijeziso esiqukethwe esigatshaneni somthetho 68(11) soMthethosivivinyo, okumele sishicilelwe ngesaziso *kwiGazethi* yesiFundazwe.

Isigaba somthetho 69: Ukumiswa komholi womdabu

Lesi sigaba somthetho sihlinzeka ngokuthi iLungu loMkhandlu oPhethe ngemuva kokuxhumana noNdunankulu angamisa esikhundleni nanoma yimuphi umholi womdabu osolwa ngokungaziphathi kahle kuze kube kuphothulwa uphenyo olwenziwa ngokwesigaba somthetho 68 soMthethosivivinyo. Isigaba somthetho siphinde sihlinzeke ngokuthi nanoma yimuphi umholi womdabu omiswe ngaphansi kwalesi sigaba somthetho akanalo ilungelo lokukhokhelwa ngesikhathi esamisiwe, kodwa, iLungu loMkhandlu oPhethe ngezizathu ezizwakalayo nangezethulo zalowo mholi womdabu othintekayo lingayalela ukuba umholi womdabu akhokhelwe wonke noma ingxenye yomholo ngesikhathi esamisiwe. Isigaba somthetho siphinde sihlinzeke ngokuthi iLungu loMkhandlu ngemuva kokuxhumana noNdunankulu, lingahoxisa ukumiswa komholi womdabu kanti kunenhlinzeko yokuqokwa kweBambabukhosi uma iLungu loMkhandlu oPhethe libona kunesidingo.

Isigaba somthetho 70: Ukwephulwa kweMigomo yokuziPhatha

Lesi sigaba somthetho sihlinzeka ngokuthi ukwephulwa kweMigomo yokuziPhatha equkethwe eziNhlelweni 6 no 7 zalo Mthethosivivinyo kumele kubhekwane nakho ngokuhambisana nesigaba somthetho 68.

Isigaba somthetho 71: Izimali ezikhokhwa amalungu eziZwe

Lesi sigaba somthetho sihlinzeka ngokuthi umkhandlu womdabu ungacela amalungu esiZwe, noma iyiphi ingxenye yesiZwe, ukuba ngokuzithandela kwawo akhokhe imali ethile eMkhandlwini woMdabu othintekayo, kuncike ekutheni ayikho imali engaqoqwa, ngaphandle kokuthi iningi labantu abangamalungu aleso siZwe, nanoma iyiphi ingxenye yesiZwe, libize imbizo bese kuvunyelwana ngokukhokhwa kwaleyo mali. Isigaba somthetho siphinde sihlinzeke ngokuthi lezo zimali zingaqoqwa kuphela kumalungu esiZwe esithintekayo ngenhloso yokuxhasa ngezimali umklamo othize noma iziphi ezinye izinhloso eziqondene nokugcinwa kwamasiko futhi noma iyiphi imali ekhokhwe njengoba kuhlongozwe kulesi sigaba kumele ifakwe kwi-akhawunti yethrasti, evulwe egameni lesiZwe futhi eyenganyelwe isiZwe esithintekayo noma lomkhandlu womdabu othintekayo. Isigaba somthetho siphinde sihlinzeke ngokuthi iLungu loMkhandlu oPhethe linganquma izinhloso ezithile futhi nemali enkulu engakhokhwa njengoba kuhlongozwe kulesi sigaba somthetho.

Isigaba somthetho 72: Amandla okushaya imithetho

Lesi sigaba somthetho sihlinzeka ngokuthi uNdunankulu neLungu loMkhandlu oPhethe, angakhipha izaziso futhi enze nemithethonqubo, ngokwahlukana, *kwiGazethi* yesiFundazwe njengoba kuhlongozwe kulo Mthethosivivinyo. Isigaba somthetho siphinde sihlinzeke ngokuthi iLungu loMkhandlu oPhethe, lingenza imithethonqubo, likhiphe izaziso futhi lishicilele imikhombandlela ephathelene nanoma yiluphi udaba oludingwa noma oluvunyelwe yilo Mthethosivivinyo ukuba lunqunywe, ukwethulwa kanye nokuqaliswa kohlelo lokulawulwa kokwenziwa komsebenzi yimikhandlu yobuholi bomdabu, abaholi bomdabu, iNdlu yesiFundazwe kanye neziNdlu zeziFunda kanye nanoma yiluphi ukhetho oluhlongozwe kulo Mthethosivivnyo nanoma iziphi izindaba zophatha noma eziphathelene nezinqubo noma lokuchitshiyelwa kwanoma yiluphi uhlelo kuMthethosivivinyo

Isigaba somthetho 73: Ukuzimela ngokomthetho

Lesi sigaba somthetho sihlinzeka ngokuthi imikhandlu yomdabu, iNdlu yesiFundazwe kanye neziNdlu zeziFunda zonke zizimele ngokomthetho.

Isigaba somthetho 74: Izimpahla, izikweletu nezinsiza

Lesi sigaba somthetho sihlinzeka ngokuthi izikhungo ezihlongozwe esigabeni somthetho 63 zingathola, zibe abanikazi, zibambe, zigcine, ziqashe, ziqhelise, zilayishe, noma zilahle nanoma iyiphi impahla enokususwa noma engenakususwa, zingathola amalungelo futhi zibe nezikweletu

ngesikhathi zisebenzisa amandla azo futhi zenza imisebenzi yazo njengoba kuhlongozwe kulo Mthethosivivinyo. Lesi sigaba somthetho siphinde sihlinzeke ngokuthi izikhungo zingasungula futhi zilawule ithrasti ngokuhambisana nezinhlinzeko zoMthetho wokuLawulwa kweziMpahla zeThrasti, 1998 (uMthetho No. 57 ka 1998) futhi zibe nomshwalensi kunoma iyiphi inkampani noma kumuntu ukuvikela ukulahlekelwa, ukonakalelwa, ingozi kanye nezikweletu futhi kumele ziphathe zonke izimpahla kanye nezinsiza ngendlela efanele.

Isigaba somthetho 75: Ukudluliselwa kwamandla, imisebenzi, ama-ejensi kanye nokulethwa kwezidingo

Lesi sigaba sihlinzeka ngokuthi uNdunankulu, ngemuva kokubonisana noMkhandlu oPhethe, angadlulisela noma iliphi ijoka, amandla noma umsebenzi ohlongozwe kulo Mthetho kwiLungu loMkhandlu oPhethe, kuncike ekutheni noma ikuphi ukudluliselwa akuvimbeli ukusetshenziswa kwalawo mandla nguNdunankulu. Isigaba somthetho siphinde sihlinzeke ngokuthi iLungu loMkhandlu oPhethe lingadlulisela noma iliphi ijoka, amandla noma umsebenzi ohlongozwe kulo Mthethosivivinyo, ngaphandle kwamandla okwenza imithethonqubo nokukhipha izaziso, kwiNhloko yoMnyango kaHulumeni wesiFundazwe elithintekayo, kuncike ekutheni nanoma yikuphi ukudluliselwa kwamandla akuvimbeli ukusetshenziswa kwalawo mandla yiLungu loMkhandlu oPhethe elithintekayo. Isigaba somthetho siphinde sihlinzeke ngokuthi nanoma yimuphi umuntu okudluliselwe kuye noma iliphi ijoka, amandla noma umsebenzi, ngemvume ebhaliwe yoMkhandlu oPhethe, angaphinde adlulisele lelo joka, lawo mandla noma lowo msebenzi kumuntu noma emgwamandeni ovunywe uMkhandlu oPhethe. Isigaba somthetho siphinde sihlinzeke ngokuthi iminyango kahulumeni wesifundazwe, izikhungo ezisungulwe ngokomthetho, izinhlaka zombuso kanye nomasipala bangadlulisela noma banikezele nanoma yimaphi amandla noma umsebenzi noma kwi-ejensi noma bangene ezivumelwaneni zokulethwa kwezidingo nemikhandlu yomdabu.

Isigaba somthetho 76: Ukuxazululwa kokungaboni ngasolinye

Lesi sigaba somthetho sihlinzeka ngokuthi uma kunokungaboni ngasolinye mayelana nomthetho womdabu noma wamasiko esiZweni noma phakathi kweziZwe noma ezikhungweni zomdabu ngodaba olususwa ukuqaliswa kwalo Mthetho noma okunye, amalungu alowo mphakathi noma aleso sikhungo noma abaholi bomdabu esiZweni noma esikhungweni somdabu esithintekayo kumele lokhu kungaboni ngasolinye kuxazululwe ngaphakathi nangendlela ehambisana nomthetho womdabu kanye namasiko. Isigaba somthetho siphinde sihlinzeke ngokuthi nanoma ikuphi ukungaboni ngasolinye okungaxazululeki kumele

kudluliselwe kwiNdlu yesiFundazwe, okumele ikuxazulule. Isigaba somthetho siphinde sihlinzeke futhi ngokuthi uma iNdlu yesiFundazwe yehluleka ukuxazulula ukungaboni ngasolinye kumele ikudlulisele kwiLungu loMkhandlu oPhethe, uma kwenzeka lihluleka kumele kudluliselwe kuNdunankulu. Isigaba somthetho siphinde sihlinzeke ngokuthi uNdunankulu kumele axazulule ukungaboni ngasolinye ngemuva kokuxhumana neLungu loMkhandlu oPhethe, izinhlangothi ezingaboni ngasolinye kanye neNdlu yesiFundazwe. Isigaba somthetho siphinde sihlinzeke ngokuthi uNdunankulu angadlulisela udaba kwiKhomishana yesiFundazwe ukuze yenze izincomo ngesinqumo esingumnqamulajuqu sokungaboni ngalosinye esihlongozwe kulesi sigaba.

Isigaba somthetho 77: Izivumelwano phakathi kwezifundazwe

Lesi sigaba somthetho sihlinzeka ngokuthi uNdunankulu, ngemuva kokuxhumana neLungu loMkhandlu oPhethe, angangena ezivumelwaneni nabanye ohulumeni bezifundazwe mayelana nezindaba ezithinta iziZwe, abaholi bomdabu noma izikhungo zomdabu lapho ukusingathwa kwalezo zindaba kungenziwa kangcono ngokuhlanganyela kohulumeni bezifundazwe ezithintekayo.

Isigaba somthetho 78: Amacala nezinhlawulo

Lesi sigaba sihlinzeka ngokuthi umuntu uyothweswa icala uma lowo muntu ezibeka njengomholi womdabu ngaphandle kokubekwa njengoba kuhlongozwe kulo Mthetho noma ngenhloso evimbela ukwenziwa komsebenzi, ukusetshenziswa kwanoma imaphi amandla anikezwe nanoma imuphi umholi womdabu, umkhandlu womdabu, iNdlu yesiFundazwe, nanoma iyiphi iNdlu yesiFundazwe noma yesiFunda noma iKhomishana yesiFundazwe njengoba kuhlongozwe kulo Mthetho nakunoma yimuphi omunye umthetho. Isigaba somthetho siphinde sihlinzeke ngokuthi umuntu olahlwe yicala anganikezwa inhlawulo noma agqunywe ejele isikhathi esingeqile ezinyangeni eziyi-12, noma kokubili lokho kukhokhiswa inhlawulo nokugqunywa ejele.

Isigaba somthetho 79: Izinhlelo zesikhashana

Lesi sigaba somthetho sihlinzeka ngokuthi zonke izinyathelo zeokuphatha ezathathwa uHulumeni wesiFundazwe ngobuqotho ngokuphathelene neziZwe, umphakathi owakhele isiZwe, ubuholi bomdabu, abaholi bomdabu, omaziphathe bomdabu, omaziphathe bomphakathi, imikhandlu yomdabu noma izindawo ezahlukene ezingaphansi kwayo, kanye nokubekwa kwesiPhakanyiswa njengeNkosi abantu, ngaphambi kosuku lokuqala kokusebenza

kwalo Mthetho, kuthathwa ngokuthi kwenziwa ngokusemthethweni. Isigaba somthetho siphinde sihlinzeke futhi ngokuthi nanoma iyiphi iNduna ebekwe ngokwesiko nangokwemithetho yesintu, ngale kukuphisana nezinhlinzeko zanoma yimuphi omunye umthetho, ngaphambi kokuqala kokusebenza kwalo Mthetho, kumele ibekwe njengoba kuhlongozwe esigabeni 15, ezinyangeni ezingama-24 kuqale ukusebenza kwalo Mthethosivivinyo.

Isigaba somthetho 80: Ukuchitshiyelwa nokuchithwa kwemithetho

Lesi sigaba sikhuluma ngoHlelo 3 loMthethosivivinyo oluqukethe imithetho ezochitshiyelwa noma ezochithwa yilo Mthethosivivinyo uma usumisiwe.

Isigaba somthetho 81: Isihloko esifingqiwe

Lesi sigaba somthetho siqukethe isihloko esifingqiwe soMthethosivivinyo

UHLELO 1

Uhlelo 1 loMthethosivivinyo luqukethe iFomu yokufaka isicelo TA1 elizosetshenziselwa ukufaka isicelo sokwamukelwa ngokusemthethweni kwesiZwe.

UHLELO 2

Uhlelo 2 loMthethosivivinyo luqukethe imikhombandlela yokuhlonza ozobekwa esihlalweni sobuKhosi okuhlongozwe esigabeni somthetho 13(1)(a) soMthethosivivinyo.

UHLELO 3

Uhlelo 3 loMthethosivivinyo lumayelana nokumenyezelwa kweBambabukhosi okuhlongozwe esigabeni somthetho 17(4) soMthethosivivinyo.

UHLELO 4

Uhlelo 4 loMthethosivivinyo uqukethe indlela yokunqunywa kwesibalo samalungu omkhandlu womdabu okuhlongozwe esigabeni somthetho 25(1) soMthethosivivinyo.

UHLELO 5

Uhlelo 5 loMthethosivivinyo luqukethe isibalo samalungu akhethiwe eNdlu yobuHoli boMdabu yesiFundazwe saKwaZulu-Natali okuhlongozwe esigabeni somthetho 40(2) soMthethosivivinyo.

UHLELO 6

Uhlelo 6 loMthethosivivinyo luqukethe uMgomo wokuziPhatha wabaHoli boMdabu namalungu eMikhandlu yoMdabu okuhlongozwe esigabeni somthetho 66 soMthethosivivinyo

UHLELO 7

Uhlelo 7 loMthethosivivinyo luqukethe uMgomo wokuziPhatha wamaLungu eziNdlu zabaHoli boMdabu.

UHLELO 8

Uhlelo 8 loMthethosivivinyo luqukethe imithetho okumele ichithwe yilo Mthethosivivinyo, uma usumisiwe.

4. IZINGQINAMBA EZINGOKOMTHETHOSISEKELO

UMthethosivivinyo uyofeza izinhloso kanye nezinjongo zoMthethosisekelo njengoba usebenza ezikhungweni zomdabu, kubaholi nakwabasemagunyeni esiFundazweni saKwaZulu-Natali.

5. IMIGWAMANDA KANYE NEZINHLANGANO OKUXHUNYANWE NAZO

INdlu yabaHoli boMdabu yesiFundazwe saKwaZulu-Natali, zonke iziNdlu zeziFunda zaKwaZulu-Natali, bonke omasipala bezifunda kanye nabasekhaya baKwaZulu-Natali kanye nezinhlangano ezimele omasipala, kuzoxhunyanwa nabo ngalo Mthethosivivinyo; lezi zinhlaka ezimbili ezibalulwe kamuva zizothintwa ngokuhambisana nezinhlinzeko zesigaba 154(2) soMthethosisekelo waseRiphabhulikhi yaseNingizimu Afrika, 1996.

6. IZIMALI EZIZODINGEKA KUHULUMENI WESIFUNDAZWE

Akukho zimali esezinqunyiwe.

7. IZINGQINAMBA KWEZOKUPHATHA KANYE NEZABASEBENZI KUHULUMENI WESIFUNDAZWE

Akukho zingqinamba kwezokuphatha nezabasebenzi esezinqunyiwe.

8. IZINGQINAMBA KOMASIPALA

Izingqinamba komasipala ngokwalo Mthethosivivinyo, phakathi kokunye –

(a) isigaba somthetho 34 soMthethosivivinyo sihlinzeka ngokuthi uMnyango kumele ugqugquzele ukusebenzisana phakathi komasipala nemikhandlu yomdabu;

(b) isigaba somthetho 29(1)(j) sihlinzekela ukuthi amaKhosi abambe iqhaza emikhandlwini yomasipala njengoba kuhlongozwe esigabeni 81 soMthetho weziNhlaka zoMasipala koHulumeni baseKhaya, 1998 (uMthetho No 117 ka 1998);

(c) isigaba somthetho 32(a) sihlinzekela ukuthi iziNduna zibambe iqhaza emisebenzini yamakomidi amawadi omasipala ukugqugquzela intuthuko yeziGodi;

(d) isigaba somthetho 33(1) sihlinzeka ngokuthi imikhandlu yomdabu kumele yeseke omasipala ukuze ukuhlonza izidingo zomphakathi, iqinisekise ukuzibandakanya kwesiZwe ekuchitsheyelweni kohlelo oludidiyelwe lwentuthuko lukamasipala wasekhaya isiZwe esingaphansi kwawo, ukubamba iqhaza ekusunguleni inqubomgomo kanye nemithetho ezingeni lohulumeni basekhaya, ukubamba iqhaza ezinhlelweni zentuthuko yomasipala, ukuqwashisa omasipala abathintekayo nganoma yibuphi ubungozi noma inhlekelele engavela endaweni engaphansi kwawo yomkhandlu womdabu othintekayo kanye nokusebenzisana namakomidi amawadi omasipala endaweni engaphansi kwawo;

(e) isigaba somthetho 33(4) sihlinzeka ngokuthi umkhandlu womdabu ungangena ezivumelwaneni zokulethwa kwezidingo komasipala ngokuhambisana noMthetho weziNhlelo zoMasipala koHulumeni baseKhaya, 2000 nanoma yimuphi omunye umthetho omunye osebenzayo; futhi

(f) isigaba somthetho 57(1) soMthethosivivinyo sihlinzeka ngokuthi nanoma imuphi umthetho ohlongozwayo ophathelene noma othinta iziZwe, izikhungo zomdabu, imithetho yesintu kanye namasiko kumele udluliselwe uSomlomo woMkhandlu kaMasipala kwiNdlini yesiFunda ethintekayo ukuze iphawule ngokubhalwe phansi njengoba kuhlongozwe esigabeni somthetho 56(1)(d) ngaphambi kokuba uphasiswe umkhandlu kamasipala futhi noma yikuphi ukuphawula kweNdlu yesiFunda ethintekayo kumele kwethulwe emkhandlwini kamasipala ngaphambi kokuba umthetho ohlongozwayo kamasipala othintekayo uphasiswe.

9. OKUXHUNYANWA NAYE

IGAMA: Nksz. N Qhobosheane

ISIKHUNDLA: INhloko yoMnyango wezokuBusa ngokuBambisana nezoMdabu

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10. INQUBO NGOKOMTHETHO

Ngenxa yokuthi uMthethosivivinyo uthinta kakhulu iqhaza, izikhungo, amandla noma imisebenzi yohulumeni basekhaya, uMthethosivivinyo uzoshicilelwa ngokwesigaba 154(2) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 ukuze umphakathi uphawule ngawo ngaphambi kokuthi wethulwe esiShayamthetho saKwaZulu-Natali ukuze izinhlangano ezimele omasipala, omasipala kanye nabantu abanesifiso sokuphawula bakwazi ukwenza izethulo ngoMthethosivivinyo ohlongozwayo.