

IPHONDO LENTSHONA KOLONI

**UMGAQO-SISEKO
WEPHONDO
LENTSHONA KOLONI**

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(Inkulumbuso isayine kwisi Bhulu)
(Ulwamkelo ngomhla we 15 uJanuwari 1998)

UMTHETHO OYILWAYO NGOMGAQO-SISEKO WEPHONDO LENTSHONA KOLONI**IMBULAMBETHE**

Ngokuzithoba okukhulu kuThixo uSomandla,

Thina bantu beNtshona Koloni, ngabameli bethu abanyuliweyo —

Kuba siziqonda sifuna nokuzilungisa iimeko zempathekombi zamaxesha adlulileyo,

Kuba siyiqonda imfuneko yokuba kubekho uxolo, uxolelwano nobulungisa,

Sizama kananjalo ukukhuthaza uphuhliso lweli phondo nophuculo lomgangatho wobomi babo bonke abantu baseNtshona Koloni ngoburhulumente obunobulungisa nempumelelo;

Siqinisekisa kananjalo ukuba iNtshona Koloni eliphondo leRiphabliki yoMzantsi Afrika isekelwe phezu kwezi ziseko zilandelayo:

ukuxatyiswa kwedemokhrasi,

ulwamkelo lwamalungelo oluntu aphambili,

ulwamkelo losapho/lwefemeli,

urhulumente onentelekelelo nolawuleko,

ukulawula komthetho,

intembano nentsebenziswano

nentobelo yoMgaqo-siseko;

Ngoku ke samkela lo Mgaqo-siseko weNtshona Koloni.

Wanga uThixo angabakhusela abantu bethu

Nkosi Sikelel' iAfrika, God seen Suid-Afrika, God bless South Africa.

ISAHLUKO 1

IMIQATHANGO YOKUSEKWA

IPhondo leNtshona Koloni

1. INtshona Koloni liPhondo leRiphabliki yoMzantsi Afrika elisekwe nguMgaqo-siseko weRiphabliki yoMzantsi Afrika.

Imida yeli Phondo

2. Imida yeli Phondo ibekwe kuMgaqo-siseko wesizwe.

Ukwamkelwa, inqanaba nokutolikwa kwalo Mgaqo-siseko

3. (1) Lo Mgaqo-siseko wamkelwa eNtshona Koloni phantsi kwemiqathango yoMgaqo-siseko wesizwe, ongowona mthetho uphezulu weRiphabliki yoMzantsi Afrika.
 - (2) Amagunya nomsebenzi okuwisa imithetho nokulawula zeli Phondo ezibhalwe kulo Mgaqo-siseko zivela kuMgaqo-siseko wesizwe kuphela.
 - (3) Imiqathango yalo Mgaqo-siseko akufuneki ukuba ithathwe njengenika iPhondo eli igunya lokuba liwise imithetho okanye lilawule ngendlela etyekileyo kuMgaqo-siseko wesizwe.
 - (4) Xa kunokuthi kubekho impikiswano kwintsingiselo yeelwimi ezisetyenziswe kulo Mgaqo-siseko, kuya kuthi kuhanjwe ngentsingiselo ekulwimi lwesiNgesi.

Ukusetyenziswa koMgaqo-siseko

4. Lo Mgaqo-siseko usebenza kwiNtshona Koloni. Ungowona mthetho uphezulu wePhondo eli, nakubeni ke ulawulwa nguMgaqo-siseko wesizwe ongowona mthetho uphezulu weRiphabliki yoMzantsi Afrika, kwaye ke imiqathango ebekwa nguwo kufuneka ithotyelwe ngenkuthalo ngaphandle kokulibazisa.

Iilwimi

5. (1) Kulawulo lukarhulumente wephondo
 - (a) iilwimi zaseburhulumenteni eziya kuthi zisetyenziswe kwizinto zikarhulumente wephondo sisiBhulu, isiNgesi nesiXhosa kwaye;
 - (b) ezi lwimi ziphathwa ngokulinganayo.
- (2) Urhulumente wephondo kufuneka ngemithetho namanye amanyathelo alawule akubeke iliso ukusetyenziswa kwesiBhulu, isiNgesi nesiXhosa.
- (3) Urhulumente wephondo kufuneka athathe amanyathelo abonakalayo okunyusa izinga leelwimi zomthonyama zabantu beNtshona Koloni nebezisoloko zisingelwe phantsi kumaxesha adlulileyo, kunjalo nje akhuthaze nokusetyenziswa kwazo.

Iimbasa zePhondo namawonga

6. (1) Uwiso-mthetho lwePhondo lunokuba namalungiselelo
 - (a) eembasa zephondo;
 - (b) ukunikezelwa kwamawonga ePhondo.
- (2) Yonke imithetho eyilwayo yePhondo (iiBhili) malunga neembasa zePhondo kufuneka iwiswe yiPalamente yePhondo ixhaswe ngeevoti zamalungu azizahlulo zesithathu ezibini ubuncinane.

ISAHLUKO 2

UBUDLELWANE PHAKATHI KOORHULUMENTE

Urhulumente wentsebenziswano

7. Njengcandelo elilodwa loburhulumente boMzantsi Afrika urhulumente wephondo eNtshona Koloni kufuneka —
 - (a) ahambe ngokwemigaqo karhulumente wentsebenziswano nangobudlelwane obuphakathi koorhulumente obutyetyeshwa kuMgaqo-siseko wesizwe kuzo zonke iinkalo anxibelelana kuzo norhulumente wesizwe, namanye amaphondo noomasipala beNtshona Koloni;

- (b) athabathe inxaxheba kuzo naziphi na izigqeba namaziko ngenjongo yokukhuthaza nokukhawulezisa ubudlelwane phakathi koorhulumente obusekwe ngokwemiqathango yoMgaqo-siseko wesizwe;
- (c) asebenzise naziphi na iindlela neenkqubo zokusonjululwa kweembambano eziphakathi koorhulumente ezisekwe ngokwemiqathango yoMgaqo-siseko wesizwe.

Ukuthabatha inxaxheba kwiKhansile yeSizwe yamaPhondo

8. Abameli beli Phondo kwiKhansile yeSizwe yamaPhondo kufuneka bazamele ukufezekisa izinto ezilunge kwiNtshona Koloni nakwisizwe nje ngokubanzi ngokuthi bathathe inxaxheba kwiKhansile ngokwemiqathango nemigaqo karhulumente wentsebenziswano neyobudlelwane boorhulumente etyetyeshwe kuMgaqo-siseko wesizwe.

ISAHLUKO 3

IPALAMENTE YEPHONDO

Igunya lokuwisa umthetho

9. (1) Igunya lokuwisa imithetho apha eNtshona Koloni libekwe ezandleni zePalamente yePhondo.
- (2) IPalamente yePhondo ibopheleleke kuphela kuMgaqo-siseko wesizwe nakulo Mgaqo-siseko, kwaye kufuneka kwizinto ezenzayo ihambe ngokwemiqathango nemida ebekwa nguMgaqo-siseko wesizwe nangulo Mgaqo-siseko.
- (3) IPalamente yePhondo inegunya —
- (a) lokuwuphumeza lo mgaqo-siseko weli nelokwenza izilungiso kuwo nelokuwutshitshisa;
 - (b) lokuwisa imithetho yeNtshona Koloni ngokwemiqathango yoMgaqo-siseko wesizwe neyalo Mgaqo-siseko;
 - (c) lokuwisa imithetho yeNtshona Koloni ephathelele kuwo nawuphi na umba onikezelwe ezandleni zeNtshona Koloni yimithetho karhulumente wesizwe;
 - (d) lokunikezela kwiKhansile kaMasipala nawuphi na kula magunya ayo okuwisa imithetho axelwe kumhlathi (b) nawo nawuphi na kula axelwe kumhlathi (c) xa ivumelekile ukuba ingakwenza oko.
- (4) IPalamente yePhondo —
- (a) ngesigqibo inokwenza isindululo kwiNdlu yoWiso-mthetho yesizwe sokuba makuwiswe umthetho ophathelele kuwo nawuphi na umba ongaphaya kwamagunya ayo, okanye ethintelwayo nguMthetho wePalamente ukuba ingawisa umthetho ngawo;
 - (b) ngesigqibo inokwenza isindululo kwiKhansile yaMaphondo yeSizwe ukuba iwise umthetho ophathelele kuwo nawuphi na umba;
 - (c) ngesigqibo esixhaswa yivoti yezahlulo zesithathu ezibini zamalungu ayo ubuncinane isenokuthi icele iPalamente yesizwe ukuba ilijike igama leli Phondo.

Iibhili zokwenza omnye umgaqo-siseko endaweni yalo, ezokwenza izilungiso kulo Mgaqo-siseko nezokuwutshitshisa

10. (1) Umthetho oyilwayo (ibhili) owenza omnye uMgaqo-siseko endaweni yalo, owenza izilungiso okanye otshitshisa lo Mgaqo-siseko okanye owamkela uMgaqo-siseko omtsha —
- (a) kufuneka wamkelwe yiPalamente yePhondo ngeevoti ezizizahlulo zesithathu ezibini zamalungu ayo ubuncinane.
 - (b) kufuneka ufake neminye imiqathango.
- (2) Lowo mntu okanye leyo komiti ifuna ukungenisa le bhili ixelwe kumhlathana (1) mayithi kwakwiintsuku ezingamashumi amathathu ubuncinane phambi kokuba ingeniswe kwiPalamente yePhondo —
- (a) ipapashe ingcombolo yeso silungiso iceba ukusenza kwiGazethi yePhondo esemthethweni nakumaphephandaba amathathu ubuncinane akhoyo eNtshona Koloni khona ukuze abantu banike izimvo zabo ngaso;
 - (b) loo ngcombolo ayinike noomasipala beli Phondo ngokwemiqathango yePalamente yePhondo, khona ukuze nabo banike ezabo izimvo.
- (3) Xa lo mthetho uyilwayo kuthethwa ngawo kumhlathana (1) ungeniswa lowo mntu okanye leyo komiti iwungenisayo kufuneka ingenise nezimvo ezibhaliweyo ezithe zavakaliswa ngabantu noomasipala kuSomlomo ukuze ke zandlalwe phambi kwePalamente/kweNdlu yePhondo.

Uqinisekiso

11. Ukuba ngaba iPalamente yePhondo iye yenza izilungiso kuMgaqo-siseko, uSomlomo kufuneka loo mgaqo-siseko okanye ezo zilungiso azise kwiNkundla yoMgaqo-siseko ukuba iwuqinisekise.

Ukusayinwa, ukugcinwa, ukupapashwa nokuqala komgaqo-siseko wephondo

12. (1) INkulumbuso kufuneka iwamkele iwusayine lo Mgaqo-siseko, umgaqo-siseko omtsha okanye nazo naziphi na izilungiso ezithe zenziwa yakuba iwamkele iNkundla yoMgaqo-siseko.
- (2) Yakuba iNkulumbuso iwamkele yawusayina kufuneka upapashwe kwiGazethi kaRhulumente nakwiGazethi esemthethweni yeNtshona Koloni. Uqalisa ukusebenza wakuba upapashiwe okanye ngomhla osemva kopapasho othe wabekwa ngokwemiqathango yomgaqo-siseko omtsha okanye yesilungiso esenziweyo.
- (3) Wakuba usayiniwe lo Mgaqo-siseko, umgaqo-siseko omtsha okanye izilungiso esenziweyo, obo bubungqina bemiqathango yawo. Emva kokuba uthe wapapashwa kufuneka uye kugciniswa kwiNkundla yoMgaqo-siseko.

Inani lamalungu

13. IPalamente yePhondo inamalungu angama-42.

Ukunzulwa kwePalamente yePhondo

14. IPalamente yePhondo inabantu abanyulwe njengamalungu ngokwemiqathango yenkqubo yonyulo:

- (a) ebekwe yimithetho yesizwe;
- (b) esekelwe kwinxenye yePhondo yoluhlu lwabavoti lwesizwe;
- (c) ebeka iminyaka eli-18 ubuncinane njengobudala anokuvota kubo umntu;
- (d) nethi ibe nesiphumo esilumelo ngokwenani leevoti.

Ubulungu

15. (1) Ummi ngamnye okufaneleyo ukuba angayivotela iPalamente yeSizwe unalo ilungelo lokuba anganyulwa njengelungu lePalamente yePhondo ngaphandle —
- (a) kokuba ngumntu oqeshwe kwinkonzo karhulumente wesizwe kwaye uyamkela ngaloo ngqesho okanye ngaloo nkonzo, ngaphandle —
 - (i) kweNkulumbuso nabanye abaPhathiswa beNtshona Koloni;
 - (ii) namanye amagosa anemisebenzi ehambelanayo nemisebenzi yamalungu ePalamente yePhondo nevunywayo ngumthetho karhulumente wesizwe ukuba iyahambelana;
 - (b) amalungu ePalamente yeSizwe, abameli abasisigxina beKhansile yeSizwe yamaPhondo okanye amalungu eKhansile kaMasipala;
 - (c) abantu abatshonileyo ngokwasezimalini;
 - (d) nabani na obonwe yinkundla yalapha kwiRiphabliki ukuba akemanga kakuhle ngokwasengqondweni;
 - (e) nabani na othe emva komhla we-3 Febhuwari 1997 wabanjelwa ulwaphulo-mthetho waza wagwetywa ixesha elingaphezu kweenyanga ezili-12 entolongweni kungekho kuhlawula fayini, nokuba kulapha kwiRiphabliki okanye ngaphandle kuyo ukuba ngaba uhlobo lwetyala elo lakhe lityala ebeliya kuba lityala nalapha kwiRiphabliki, kodwa ke akukho mntu unokuthathwa ukuba ugwetyiwe de sibe sixoxiwe sagqitywa isibheni sakhe ngeso sigwebo okanye de libe lidlule ixesha lokuba angabhena. Othe akafaneleka ngenxa yokubanjwa nokugwetywa okuchazwe kulo mhlathi akasayi kuphinda afaneleke ukuba anganyulwa de kube iphelile iminyaka emihlanu esiqabile isigwebo eso.
- (2) Umntu ongafanelekanga ukuba angaba lilungu lePalamente yePhondo ngokomhlathana (1) (a) okanye (b) usenokuba lilo ilungu lePalamente yePhondo kodwa ngokwemiqathango ebekwa ngumthetho karhulumente wesizwe.
- (3) Umntu uyaphelelwa bubulungu bakhe kwiPalamente yePhondo xa ngaba
- (a) kuye kwenzeka ukuba angafaneleki;
 - (b) okanye xa eziyekela ebulungwini;
 - (c) uye akabikho kwiPalamente yePhondo ngaphandle kwemvume phantsi kweemeko ekuchaziweyo ukuba umntu uyaphelelwa bubulungu xa engekho kuzo.
- (4) Izithuba kwiPalamente yePhondo kufuneka zivalwe ngokwemiqathango yemithetho yesizwe.

Isifungo okanye uqinisekiso

16. Amalungu ePalamente yePhondo kufuneka afungele okanye aqinisekisele intembeko yawo kwiRiphabliki nakwiNtshona Koloni nentobelo yoMgaqo-siseko wesizwe nalo Mgaqo-siseko, ngokwemiqathango kaShedyuli 1 phambi kokuba aqalise ukusebenza njengamalungu.

Ubude besithuba esinyulelwayo

17. (1) IPalamente yePhondo inyulelwa isithuba seminyaka emihlanu.
- (2) Xa iPalamente yePhondo ithe yapheliswa ngokwemiqathango yomhlathi 18 okanye xa ixesha layo lifikelele esiphelweni iNkulumbuso, ngompoposho, kufuneka ibeke imihla yonyulo, nyulo olo kufuneka luqhutywe zingadlulanga iintsuku ezingama-90 itshitshisiwe iPalamente yePhondo okanye liphelile ixesha layo.
- (3) Ukuba ngaba iziphumo zonyulo lwePalamente yePhondo zithe azaxelwa lada ladlula ixesha ezifanele kuxelwa ngalo, okanye xa ngaba unyulo lubhangisiwe yinkundla, kufuneka kuqhutywe olunye unyulo oluya kuthi ke luqhutywe ngokwemiqathango yoMgaqo-siseko wesizwe.
- (4) IPalamente yePhondo iyaqhuba ukusebenza nasemva kokuba itshitshisiwe okanye liphelile ixesha layo de kuye kuba lusuku olwandulela umhla wokuqala wovoto lwePalamente elandelayo.

Ukutshitshiswa kwePalamente yePhondo phambi kokuba liphele ixesha layo

18. (1) INkulumbuso kufuneka iyitshitshise iPalamente yePhondo ukuba —
- (a) iPalamente yePhondo ithathe isigqibo esitshoyo nesixhaswe zivoti zesininzi samalungu;
- (b) iminyaka emithathu idlule emva kokuba yanyulwayo iPalamente yePhondo.
- (2) INkulumbuso ebambeleyo kufuneka iyitshitshise iPalamente yePhondo ukuba kukho isithuba esivulekileyo seNkulumbuso yaye iPalamente yePhondo isilela ekunyuleni iNkulumbuso entsha de kudlule iintsuku ezingama-30 emva kokuba sivulekile isithuba eso.

Ikomkhulu lePalamente yePhondo, ukuhlala kwayo namaxesha okungahlali

19. (1) Ikomkhulu lePalamente yePhondo liya kuba seKapa.
- (2) IPalamente yePhondo isenokuthi igqibe ukuba xa kukho imfuneko yoko, yona okanye nayiphi na ikomiti yayo ingaya kuhlalala naphi na apha kweli Phondo.
- (3) Emva konyulo iPalamente yePhondo iya kuhlala ngexesha nangomhla obekwe yiJaji ekhethwe nguMongameli weNkundla yoMgaqo-siseko, kodwa ke zingaphelanga iintsuku ezili-14 zikhutshiwe iziphumo zonyulo.
- (4) IPalamente yePhondo isenokuthi igqibe ukuba mayihlale nini na, ihlale ixesha elingakanani na nokuba mayikhe ivale nini na.
- (5) INkulumbuso inokuyibiza iPalamente yePhondo ukuba mayihlale indibano yesikhawu nanini na xa kukho umcimbi okhawulezileyo ofuna ukuqwalaselwa.

USomlomo

20. (1) IPalamente yePhondo kufuneka inyule uSomlomo apha kumalungu ayo xa ihleli okokuqala emva konyulo okanye xa kuthe kwavuleka isithuba.
- (2) IJaji ekhethwe nguMongameli weNkundla yoMgaqo-siseko kufuneka ichophele unyulo lukaSomlomo. Inkqubo echazwe kwiShedyuli 2 yalo Mgaqo-siseko kuhanjwa ngayo xa kunyulwa uSomlomo.
- (3) IPalamente yePhondo isenokuthi —
- (a) inyule uSekela-Somlomo apha kumalungu ayo;
- (b) inyule amanye amagosa awongameleyo okuncedisana noSomlomo noSekela-Somlomo apha kumalungu ayo.
- (4) IPalamente yePhondo ingamsusa esihlalweni uSomlomo, uSekela-Somlomo nalo naliphi na elinye igosa elingusihlalo, xa oko kusenziwa ngesigqibo esixhaswa sisininzi seevoti zamalungu anke.

Inani elinokuqhuba iindibano nezigqibo

21. (1) Ngaphandle kwalapho lo Mgaqo-siseko uyalela ngolunye uhlobo —
- (a) phambi kokuba kuvotelwe umthetho oyilwayo okanye isilungiso kuwo, kufuneka kubekho isininzi samalungu eNdlu yoWiso-mthetho;

- (b) phambi kokuba kuvotelwe nawuphi na umba ophethweyo kwiPalamente yePhondo, kufuneka kubekho amalungu asisahlulo sesithathu esinye ubuncinane;
 - (c) yonke imicimbi ephethwe yiPalamente yePhondo igqitywa ngeevoti zesininzi.
- (2) Ilungu elichophele indibano yePalamente yePhondo alinakho ukuba lingavota, kambe ke (a) linakho ukuba lingavota xa kulinganwa ngeevoti ukukhulula oko kulingana; (b) kanti ke likwanakho ukuvota naxa umba ovotelwayo kufuneka ufumene inkxaso yamalungu ePalamente yePhondo azizahlulo zesithathu ezibini ubuncinane.

Amalungelo abameli abasisigxina kwiPalamente yePhondo

22. Abameli beli Phondo abasisigxina kwiKhansile yaMaphondo yeSizwe anokuza kwiindibano zePalamente yePhondo nakwiikomiti zayo athathe inxaxheba ezingxoxweni, kodwa ke akanakuvota. IPalamente yePhondo isenokuyalela ummeli osisigxina ukuba makaye kwiindibano zayo okanye ezeekomiti zayo.

Amagunya ePalamente yePhondo

23. (1) Xa isebenzisa amagunya ayo iPalamente yePhondo isenokuthi —
- (a) iqwalasele, iphumeze, ilungise okanye ikhabe nawo nawuphi na umthetho oyilwayo othe wandlalwa phambi kwayo;
 - (b) isungule iqulunqe imithetho ngaphandle kweebhili zezemali.
- (2) Phantsi kwemiqathango yomhlathana (4) iPalamente yePhondo kufuneka ibe namanyathelo
- (a) okuqinisekisa ukuba zonke izigqeba zikarhulumente wephondo ziphantsi kolawulo lwayo;
 - (b) okubeka iliso —
 - (i) ekusetyenzisweni kwamagunya ephondo olawulo ekubandakanyeka kuwo nokusetyenziswa kwemithetho;
 - (ii) kuso nasiphi na isigqeba sikarhulumente wephondo.
- (3) IPalamente yePhondo inokuthi
- (a) iqulunqe iinkqubo zayo zangaphakathi,
 - (b) iqulunqe nemithetho nemigaqo ephathelele kumsebenzi wayo, ize ke kuloo nto iyithathele ingqwalaselo into yokubaluleka komelo nedemokhrasi enika inxaxheba, neyokuba phantsi kolawulo kunye nenxaxheba yoluntu.
- (4) Kwimithetho nemigaqo yayo iPalamente yePhondo kufuneka inike ingqwalaselo
- (a) kumiselo lweekomiti zayo, amalungu azo, amagunya azo, umsebenzi wazo, iinkqubo zazo nobungakanani bexesha eziya kuqhuba ngalo;
 - (b) kwinxaxheba yamaqela amancinane amelweyo kwiPalamente yePhondo kwiinkqubo zePalamente yePhondo ngendlela ehambelanayo nenkqubo yedemokhrasi;
 - (c) ekubeni ezo komiti zithe zamiselwa zinikwa amagunya ayimfuneko kuzo khona ukuze zikwazi
 - (i) ukubeka iliso kwimisebenzi yolawulo yezigqeba zikarhulumente,
 - (ii) ukuqinisekisa ukuba abalawuli abaziphathi,
 - (iii) ukukhuthaza ukwenziwa kwezinto elubala, ukuba phantsi kolawulo olunempumelelo loqoqosho lwephondo, amatyala ephondo kwakunye norhulumente wephondo
 - (d) kwikomiti emileyo yePalamente yePhondo enikwe umsebenzi wokubeka iliso kwiimeko zentlalo noqoqosho zabemi beNtshona Koloni neyenza izindululo kwiPalamente yePhondo malunga namanyathelo anokuthathwa ukuphucula ezo meko;
 - (e) kunxibelelwano phakathi kwePalamente yePhondo neekomiti zayo neKhansile yaMaphondo yeSizwe;
 - (f) kulwamkelo lwezicelo ezivela kuye nawuphi na umntu okanye iziko elichaphazelekayo;
 - (g) kwinxaxheba yabameli abavela kwiinkalo ngeenkalo zolawulo lweedolophu eNtshona Koloni kwiingxoxo zeekomiti ezimileyo eziphathelele kwiibhili ezichaphazela oomasipala abalapha eNtshona Koloni;
 - (h) ekuncediseni ngemali iqela ngalinye elimelweyo apha kwiPalamente yePhondo ngokwenani lamalungu alo, khona ukuze iqela elo nenkokeli yalo likwazi ukwenza umsebenzi walo ngokuphumeleleyo kwiPalamente yePhondo.

INkokeli yeQela eliPhikisayo

24. Imithetho nemigaqo yePalamente yePhondo kufuneka iyamkele iNkokeli yeQela eliPhikisayo kwiPalamente yePhondo.

Ubungqina okanye inkcazo enikwe iPalamente yePhondo

25. IPalamente yePhondo okanye nayiphi na enye yeekomiti zayo isenokuthi —

- (a) ibize ngesamani nabani na ukuba makaye kuvela phambi kwayo aye kunika ubungqina obufungelweyo okanye obuqinisekisiweyo okanye aye kukhupha iimpepha ezithile;
- (b) ifune nawuphi na umntu okanye iziko okanye isigqeba sikarhulumente wephondo ukuba benze ingxelo kuyo;
- (c) inyanzelise ngokwemiqathango yemithetho okanye imigaqo yePalamente yePhondo nawuphi na umntu okanye isigqeba sikarhulumente wephondo ukuba bahambe ngokwale samani okanye ngokwale mfuno ikhankanywe kwimihlathana (a) okanye (b);
- (d) yamkele izicelo ezivela kuye nawuphi na umntu okanye iziko elichaphazelekayo.

Ilungelo

26. Amalungu ePalamente yePhondo kunye nabameli abasisigxina kwiKhansile yeSizwe yaMaphondo —

- (a) anelungelo lokuthetha ngokukhululekileyo kwiPalamente yePhondo nakwiikomiti zayo, phofu ke ehamba ngokwemithetho nemigaqo yayo;
- (b) akanakubanjwa asiwe kwinkundla yamatyala eembambano okanye kweyamatyala olwaphulo-mthetho, okanye avalelwe entolongweni okanye adliwe ngenxa
 - (i) yayo nantoni na athe ayithetha okanye athe ayivelisa okanye ayingenisa kwiPalamente yePhondo okanye kuyo nayiphi na ikomiti yayo;
 - (ii) okanye ngenxa yayo nantoni na ethe yadizeka kwintetho ayenzileyo okanye kwinto ayivelisileyo okanye ayingenisileyo kwiPalamente yePhondo okanye kuyo nayiphi na ikomiti yayo.

Umgqaqo wokuziphatha

27. IMithetho yephondo kufuneka ibe nomqathango wokumiselwa komgaqo wokuziphatha kwamalungu ePalamente yePhondo.

Ukufikeleleka ebantwini

28. (1) Iindibano zePalamente yePhondo nezeekomiti zayo ziba sesidlangalaleni, kodwa ke kufuneka kuthathwe amanyathelo afanelekileyo —
 - (a) okukulawula ukungena kwabantu kwakunye noonondaba;
 - (b) nawokuba abantu abangenayo basetshwe, kuze ke kuthi apho kufanelekileyo alelwe umntu ukuba makangene okanye akhutshelwe ngaphandle.
- (2) Abantu kunye noonondaba abanakwalelwa ukuba bangene kwiindibano zeekomiti zePalamente yePhondo ngaphandle kokuba kukho isizathu esivakalayo nesifanelekileyo kulawulo oluvulelekileyo nolunedemokhrasi.
- (3) IPalamente yePhondo kufuneka iququzelele ukuthatha kwabantu inxaxheba kwizinto zayo nakwezo zeekomiti zayo.

Ukungeniswa kweebhili (imithetho eyilwayo)

29. Abantu abanokungenisa iibhili kwiPalamente yePhondo kuphela nguMphathiswa wePhondo, ilungu lekomiti okanye ilungu lePalamente yePhondo. Ukuba ibhili ephathelele kwezemali nguMphathiswa wePhondo ojongene nezemali kuphela ekufuneka eyingenisile kwiPalamente yePhondo.

Iibhili zemali

- 30 (1) Ibhili ehlahla imali yokusetyenziswa okanye ebeka iirhafu, imirhumo neentlawulo yibhili yezemali. Ibhili yezemali akufuneki ukuba ibandakanye neminye imiba ngaphandle kwemiba ephathelele ekuhlahlweni kwemali eza kusetyenziswa okanye ekubekweni kweerhafu, imirhumo neentlawulo.
- (2) UMthetho wephondo kufuneka ube nenkqubo enokuthi ihambe ngayo iPalamente yePhondo xa isenza isilungiso kwibhili yezemali.

Ukwamkelwa kweebhili

31. (1) INkulumbuso yeNtshona Koloni kufuneka zithi zingadlulanga iintsuku ezingama-45 ukusukela kumhla wokwamkelwa kweebhili yiPalamente yePhondo —

- (a) iyamkele iyisayine loo bhili;
 - (b) ukuba ngaba iyakuthandabuza ukuba ngaba loo bhili ihambe ngokomgaqo-siseko na, kufuneka iyibuyisele kwiPalamente yePhondo ukuba mayiphinde iyiqwalasele ngokutsha.
- (2) Ukuba ngaba kuthe yakuba iqwalaselwe ngokutsha le bhili, iNkulumbuso yaneliseka ncam, kufuneka iyamkele iyisayine loo bhili; ukuba ngaba ayikaneliseki kufuneka zithi zingadlulanga iintsuku ezingama-45 emva kwaloo mhla wokuqwalaselwa kwayo ngokutsha —
- (a) iyamkele iyisayine loo bhili; okanye
 - (b) iyidlulisele kwiNkundla yoMgaqo-siseko ukuba inike isigqibo malunga nokuba iyahambisana kusini na nomgaqo-siseko.
- (3) Ukuba ngaba iNkundla yoMgaqo-siseko iyavuma ukuba loo bhili ayichasenanga nomgaqo-siseko, iNkulumbuso kufuneka iyamkele iyisayine.

Izicelo zamalungu kwiNkundla yoMgaqo-siseko

32. (1) Amalungu ePalamente yePhondo anakho ukuba angenza izicelo kwiNkundla yoMgaqo-siseko zokuba mayikhuphe umyalelo wokuba uMthetho wephondo othile okanye inxenye yawo ayihambi ngokomgaqo.
- (2) Isicelo eso —
- (a) kufuneka sixhaswe yi-20% yamalungu ePalamente yePhondo ubuncinane kwaye
 - (b) kufuneka singeniswe zingaphelanga iintsuku ezingama-30 emva komhla wokwamkelwa nokusayinwa kwawo yiNkulumbuso loo Mthetho.

Ukupapashwa nokuqalisa kweMithetho yephondo

33. (1) Yakuba iNkulumbuso iyamkele yayisayina ibhili, loo bhili iba nguMthetho. Kufuneka ukuba ikhawuleze ipapashwe kwiGazethi yeNtshona Koloni esemthethweni, ize ke ithi yakuba ipapashiwe iqalise ukusebenza okanye ke iqalise ngaloo mhla uthe wabekwa ngokwalo Mthetho.
- (2) UMthetho wePhondo kufuneka ube nomqathango wokuhanjiswa nowolunye upapasho lwengcombolo emalunga neMithetho yephondo.

Ukugcinwa kweMithetho yephondo

34. Ikopi yoMthetho esayiniweyo ibubungqina obupheleleyo bemiqathango yawo, kwaye ke emva kokuba ipapashiwe kufuneka iye kugciniswa kwiNkundla yoMgaqo-siseko.

IS AHLUKO 4

ULAWULO NABALAWULI

Igunya lokulawula

35. (1) Igunya lokulawula libekwe ezandleni zeNkulumbuso.
- (2) Eli gunya lokulawula iNkulumbuso ilisebenzisa kunye nabaPhathiswa bePhondo ngokuthi —
- (a) basebenzise imithetho ewiswe liphondo;
 - (b) basebenzise, kangangoko iNtshona Koloni inawo amandla ngokwaselulawulweni okuluthwala olo xanduva yonke imithetho ewiswe nguRhulumente wesizwe ngokweziya nkalo zemisebenzi zidweliswe kwiiShedyuli 4 okanye 5 zoMgaqo-siseko wesizwe ngaphandle kwalapho uMgaqo-siseko wesizwe okanye uMthetho wePalamente uyalela ngolunye uhlobo;
 - (c) baqhube imithetho yesizwe kwezinye iinkalo ezingekhoyo kweziya zidweliswe kwiiShedyuli 4 no-5 zoMgaqo-siseko wesizwe, nkalo ezo ziyekelwe kubaPhathiswa bePhondo ngokwemiqathango yoMthetho wePalamente;
 - (d) baqulunqe basebenzise imigaqo-nkqubo yephondo;
 - (e) baququzelele banxibelelanise imisebenzi yolawulo lwephondo neyamasebe alo;
 - (f) basungule balungise imithetho yephondo;
 - (g) benze nayo nayiphi na eminye imisebenzi abayinikwe yiKhabhinethi yePhondo ngokwemiqathango yoMgaqo-siseko wesizwe okanye yoMthetho wePalamente.
- (3) Abaphathiswa bephondo amagunya olawulo kufuneka bawasebenzise ngokwemiqathango yoMgaqo-siseko wesizwe neyalo Mgaqo-siseko.

Ukunikezelwa kwemisebenzi

36. UMphathiswa wePhondo unokuthi igunya elithile okanye umsebenzi othile ofanele kwenziwa ngokwemiqathango yoMthetho wePalamente okanye yoMthetho wePhondo awunikezele kwiKhansile kaMasipala. Umsebenzi othe wanikezelwa —
- kufuneka uhambe ngokwemiqathango yesivumelwano esiphakathi koMphathiswa wePhondo lowo naloo Khansile kaMasipala;
 - kufuneka uhambelane noMthetho lowo lisetyenziswa phantsi kwawo igunya elo okanye umsebenzi lowo;
 - kwaye ke kufuneka uqalise ukusebenza yakuba iNkulumbuso ithe yakhupha umpoposho kwigazethi yephondo esemthethweni.

Amagunya nemisebenzi yeNkulumbuso

37. (1) INkulumbuso inamagunya nemisebenzi eyinikwayo nguMgaqo-siseko wesizwe nangulo Mgaqo-siseko nayiyo nayiphi na imithetho.
- (2) Umsebenzi weNkulumbuso —
- kukwamkela nokusayina iibhili;
 - kukubuyisela iibhili kwiPalamente yePhondo ukuba iphinde iqwalasele ukuba ngaba iyahambisana kusini na nomgaqo-siseko;
 - kukudlulisela iibhili kwiNkundla yoMgaqo-siseko ukuba ikhuphe isigqibo malunga nokuba ngaba iyahambisana kusini na nomgaqo-siseko;
 - ukubizela iPalamente yePhondo kwindibano yesikhawu ngenjongo yokuza kuxovula umcimbi okhawulezileyo;
 - kukumisela iikhomishoni zokwenza uphando oluthile;
 - nokugunyazisa uvoto lokuvavanya izimvo zoluntu ngomba othile apha kwiPhondo eli ngokwemithetho arhulumente wesizwe.

Ukunyulwa kweNkulumbuso

38. (1) Kwindibano yayo yokuqala emva konyulo naxa kuthe kwavela isithuba, iPalamente yePhondo kufuneka inyule umntu apha kumalungu ayo oza kuba yiNkulumbuso.
- (2) IJaji ekhethwe nguMongameli weNkundla yoMgaqo-siseko kufuneka ichophele unyulo lweNkulumbuso. Inkqubo echazwe kwiShedyuli 2 yalo Mgaqo-siseko kuhanjwa ngayo xa kunyulwa iNkulumbuso.
- (3) Unyulo lokuvala isithuba seNkulumbuso kufuneka luqhutywe ngexesha nangomhla obekwe nguMongameli weNkundla yoMgaqo-siseko kodwa ke zingaphelanga iintsuku ezingama-30 emva kokuba sivulekile isithuba eso.

Ukuqalisa kweNkulumbuso ukusebenza

39. Lowo uye wanyulelwa ukuba yiNkulumbuso kufuneka aqalise esikhundleni sakhe zingadlulanga iintsuku ezintlanu emva kokuba enyuliwe, ngokuthi afunge okanye aqinisekise intembeko yakhe kwiRiphabliki nakwiNtshona Koloni nentobeko yakhe kuMgaqo-siseko wesizwe nakulo Mgaqo-siseko, ngokwemiqathango kaShedyuli 1.

Isithuba sokuba yiNkulumbuso nokususwa kwesi sikhundla

40. (1) Isithuba sokuba sesikhundleni kweNkulumbuso siqala xa iqalisa esikhundleni siye kuphela ukuvela kwesithuba okanye xa eqalisa lowo mntu ulandelayo unyulelwe ukuba yiNkulumbuso.
- (2) Akukho mntu unokubamba isikhundla sobuNkulumbuso ngaphezu kwezihlandlo ezibini, kodwa ke xa umntu ethe wanyulelwa ukuvala isikhewu kwisikhundla seNkulumbuso, isithuba esiqalela ngoko ukuya kunyulo olulandelayo asithathwa njengokuba sisihlandlo sobuNkulumbuso.
- (3) IPalamente yePhondo isenokuthi ngesigqibo esixhaswe ngeevoti ezizizahlulo zesithathu ezibini zamalungu ayo ubuncinane, iyisuse iNkulumbuso esihlalweni sayo kuphela ngezi zizathu —
- utyeshelo olukhulu loMgaqo-siseko wesizwe, lwalo Mgaqo-siseko okanye lomthetho;
 - ukuziphatha kakubi okukhulu;
 - okanye ukusilela ekwenzeni umsebenzi wesikhundla sayo.

- (4) Nabani na othe wasuswa kwisikhundla sokuba yiNkulumbuso ngokwemiqathango yomhlathana (3) (a) okanye (b) akanakho ukuba angawafumana amalungelo ahamba neso sikhundla, kwaye engenakuphinda abe naso nasiphi na esinye isikhundla kwinkonzo yakwarhulumente.

INkulumbuso elibamba

41. (1) Xa iNkulumbuso ingekho okanye ingakwazi ukuba ingayenza imisebenzi yayo yobuNkulumbuso okanye xa kuthe kwabakho isikhewu kwisikhundla seNkulumbuso, elinye kula magosa alandelelana ngolu hlobo lulandelayo liya kubamba njengNkulumbuso —
- (a) uMphathiswa wePhondo otyunjwe yiNkulumbuso;
- (b) uMphathiswa otyunjwe ngabanye abaPhathiswa;
- (c) okanye uSomlomo, de iPalamente yePhondo izinyulele omnye umntu kumalungu ayo.
- (2) INkulumbuso elibamba inamagunya nemisebenzi efanayo naleyo yeNkulumbuso.
- (3) Phambi kokuba iqalise kumagunya nemisebenzi yobuNkulumbuso iNkulumbuso elibamba kufuneka ifungele okanye iqinisekise intembeko kwiRiphabliki nakwiPhondo eli nentobeko kuMgaqo-siseko wesizwe nakulo Mgaqo-siseko ngokwemiqathango kaShedyuli 2.

IKhabhinethi yePhondo

42. (1) IKhabhinethi yePhondo yiNkulumbuso, eyiNtloko yabaPhathiswa kunye nabaphathiswa abangekho ngaphantsi kwesihlanu kodwa bengadlulanga eshumini benyulwe yiNkulumbuso phakathi kwamalungu ePalamente yePhondo.
- (2) INkulumbuso inyula abaphathiswa ize ke ibanike amagunya nemisebenzi, kwaye ke isenokubasusa kwezo zihlalo.

Ukulawulwa noxanduva

43. (1) AbaPhathiswa bePhondo banoxanduva lwaloo misebenzi yolawulo inokuthi iNkulumbuso ibanike.
- (2) AbaPhathiswa bebonke nje baphantsi kolawulo lwePalamente yePhondo xa besenza imisebenzi yabo naxa besebenzisa amagunya abawanikiweyo.
- (3) AbaPhathiswa kufuneka —
- (a) bahambe ngokoMgaqo-siseko wesizwe nalo Mgaqo-siseko;
- (b) kwaye kufuneka iPalamente yePhondo bayinike ingxelo epheleleyo malunga nemicimbi ephantsi kolawulo lwabo, kunjalo nje bayinike qho.

Ukuqhuba kwabaPhathiswa emva konyulo

44. Xa bekukho unyulo lukaRhulumente wePhondo abaPhathiswa bephondo bayahlala baqhube ezihlalweni zabo de aqalise emsebenzini wakhe loo mntu unyulwe yiPalamente yePhondo entsha ukuba abe yiNkulumbuso.

Isifungo noqinisekiso

45. Phambi kokuba iKhabhinethi iqalise kumagunya nemisebenzi yayo kufuneka ifungele okanye iqinisekise intembeko kwiRiphabliki nakwiNtshona Koloni nentobeko kuMgaqo-siseko wesizwe nakulo Mgaqo-siseko ngokwemiqathango kaShedyuli 1.

Indlela yokuziphatha yabaPhathiswa

46. (1) AbaPhathiswa bePhondo kufuneka baziphathe ngokwemiqathango yomgaqo wokuziphatha obekwe yimithetho yesizwe.
- (2) AbaPhathiswa abafanelanga ukuba —
- (a) benze nawuphi na omnye umsebenzi ohlawulayo;
- (b) baziphathe ngendlela engahambelaniyo nezikhundla zabo, okanye bazifake kwiimeko apho kunokuvela ungquzulwano phakathi komsebenzi wabo waseburhulumenteni nezinye izinto zabo ezisecaleni;
- (c) okanye basebenzise izikhundla zabo okanye inkcukacha abayinikiweyo ngenjongo yokuzenzela ubutyebi okanye yokwenzela inzuzo omnye umntu ngendlela egwenxa.

Ukudluliselwa kwemisebenzi

47. INkulumbuso isenokuthi ngompoposho kwigazethi yephondo esemthethweni idlulisele kumphathiswa othile —
- ulawulo lwawo nawuphi na umthetho obuphantsi kolawulo lomnye umphathiswa;
 - okanye nalo naliphi na igunya okanye umsebenzi elibekwe ngumthetho phantsi kolawulo lomnye uMphathiswa wePhondo.

Ukunikezelwa komsebenzi okwexeshana

48. INkulumbuso isenokuthi okwexeshana inikezele kuMphathiswa wePhondo othile nalo naliphi na igunya okanye umsebenzi womnye umphathiswa ongekhooyo emsebenzini wakhe okanye ongakwaziyo ukulisebenzisa elo gunya okanye ukuwenza loo msebenzi.

Ukubeka iliso kulawulo lweedolophu

49. Xa umasipala othile apha kweli Phondo engawenzi kakuhle umsebenzi wakhe wokulawula ngokwemithetho, iKhabhinethi yePhondo isenokuthi ingenelele ngokuthi ithathe amanyathelo afanelekileyo okuqinisekisa ukuba loo misebenzi iyenziwa, manyathelo lawo anokubandakanya la alandelayo:
- ukukhupha ingcaciso eya kwiKhansile kaMasipala lowo ichaza ngokupheleleyo indlela esilele ngayo ekwenzeni umsebenzi wayo, inike nezikhokelo kananjalo zokuba loo meko ingalungiswa njani na;
 - ukuthathela kuyo uxanduva lokwenza loo msebenzi asilele kuwo umasipala lowo iluthwale kangangoko kuyimfuneko —
 - ukugcina imigangatho yesizwe eyimfuneko okanye ukukhawulelana nemigangatho efunekayo ekunikweni kweenkonzo;
 - ukuthintela iKhansile kaMasipala lowo ukuba ingathabathi amanyathelo angafanelekanga naya kuthi abeke esichengeni izinto ezichaphazela omnye umasipala okanye iNtshona Koloni iphela;
 - okanye ukugcina umanyano kwinkalo yezoqoqosho.
- (2) Ukuba ngaba iKhabhinethi yePhondo ingenelela kwimeko kamasipala othile ngokwalo mhlathana (1)(b) —
- kufuneka oko kungenelela kufikelele esiphelweni ngaphandle kokuba kuyavunywa nguMphathiswa wesizwe ojongene nolawulo lweedolophu;
 - kufuneka isaziso soko kungenelela sandlalwe phambi kwePalamente yePhondo nakwiKhansile yeSizwe yaMaphondo zingadlulanga iintsuku ezili-14 emva kokuba ihleli okokuqala emva kolo ngenelelo;
 - kufuneka oko kungenelela kufikelele esiphelweni ngaphandle kokuba kuyavunywa yiKhansile yeSizwe yaMaphondo zingadlulanga iintsuku ezingama-30 emva kokuhlala kwayo okokuqala emva kolo ngenelelo.

Izigqibo zabalawuli

50. (1) Isigqibo esenziwe yiNkulumbuso kufuneka sibhalwe phantsi ukuba ngaba —
- sithathwe phantsi kwemiqathango yomthetho othile;
 - okanye sineziphumo ezinokusa emthethweni.
- (2) Isigqibo esibhaliweyo seNkulumbuso kufuneka sibe nawo nomsayino womnye umphathiswa ukuba ngaba eso sigqibo siphathelele kumsebenzi osezandleni zaloo Mphathiswa wePhondo.
- (3) Imipoposho, imigaqo neminye imithetho ewisiweyo yiNtshona Koloni ephathelele kulo mba kufuneka ipapashwe kwigazethi yephondo esemthethweni, kwaye urhulumente weNtshona Koloni kufuneka athabathe amanyathelo afanelekileyo okwenza ukuba abantu bakwazi ukuzifumana.
- (4) Imithetho yephondo isenokuthi iyibeke indlela ekufuneka ezi zinto zingentla apha kumhlathana (3) zandlalwe, zamkelwe ngayo kwiPalamente yePhondo.

Isindululo sokukhutshwa kwabasilelayo emsebenzini

51. (1) Ukuba ngaba iPalamente yePhondo ithe ngesigqibo esivotelwe sisininzi samalungu ayo, yenza isindululo sokuba iKhabhinethi, ngaphandle kweNkulumbuso, mayisuswe ngenxa yokusilela emsebenzini wayo, iNkulumbuso kufuneka iyimise ngokutsha iKhabhinethi yayo.
- (2) Ukuba ngaba iPalamente yePhondo ithe ngesigqibo esivotelwe sisininzi samalungu ayo, yenza isindululo sokuba iNkulumbuso, mayisuswe esikhundleni sayo ngenxa yokusilela emsebenzini wayo, iNkulumbuso kunye nabanye abaPhathiswa bePhondo kufuneka bazibeke phantsi iintambo, baphume kwiKhabhinethi.

ISAHLUKO 5

ULAWULO LWEEDOLOPHU

52. (1) Apha kwiNtshona Koloni kwinkalo yolawulo lweedolophu kukho oomasipala abasekwe ngokwemiqathango yoMgaqo-siseko wesizwe. Ilungelo loomasipala lokuba basebenzise amagunya abo okanye benze imisebenzi yabo alingekhe lihluthwe okanye lithintelwe.
- (2) INtshona Koloni kufuneka ibaxhase oomasipala ibaxhobise ngobuchule ngokusebenzisa imithetho nezinye iindlela khona ukuze bakwazi ukuqhuba imicimbi yabo ngokufezekileyo.
- (3) Urhulumente weNtshona Koloni kufuneka eminye imicimbi ayinikezele koomasipala ukuba bayiqhube. Kufuneka anikezele kumasipala ngemvumelwano naphantsi kwayo nayiphi na imiqathango, ulawulo lomcimbi okhoyo kwedweliswe kwiSiqendu A sikaShedyuli 4 okanye kwiSiqendu A sikaShedyuli 5 woMgaqo-siseko wesizwe ebhekiselele kulawulo lweedolophu ukuba ngaba —
- (a) lowo mcimbi ungaqhuba ngempumelelo ebhetele xa unokuthi ulawulwe ngumasipala;
- (b) naxa ngaba umasipala lowo anganakho ukuba akwazi ukuwulawula.
- (4) Imithetho yephondo kufuneka ibe namalungiselelo okupapashwa kwedrafti yemithetho yephondo echaphazela ulawulo lweedolophu, imisebenzi namagunya oomasipala khona ukuze abantu bakwazi ukunika izimvo zabo ngazo phambi kokuba zandlalwe phambi kwePalamente yePhondo, kunjalo nje loo nto yenziwe ngendlela eya kuthi ulawulo lweedolophu, oomasipala kunye nabanye abantu abachaphazelekayo bakwazi ukuba bafumane ithuba lokuba bavakalise izimvo ngayo.
- (5) Urhulumente weNtshona Koloni kufuneka imithetho yoomasipala ayipapashe kwigazethi yephondo akuba eceliwe ngumasipala ukhupha umthetho kamasipala lowo.

Ukumiselwa koomasipala

53. (1) Imithetho yephondo kufuneka icacise ukuba ziziphi na iindidi zoomasipala ezifanele kumiselwa eNtshona Koloni, ngokwemiqathango yemithetho yesizwe.
- (2) Urhulumente weNtshona Koloni kufuneka amisele oomasipala apha kwiNtshona Koloni ngendlela ehambelanayo nemithetho yesizwe.

Ukubeka iliso kulawulo lweedolophu

54. (1) Urhulumente weNtshona Koloni, ngemithetho okanye ngezinye iindlela, kufuneka —
- (a) enze amalungiselelo okubeka iliso nokunika inkxaso koomasipala abalapha eNtshona Koloni;
- (b) kwaye kufuneka akhuthaze uphuhliso lobuchule nolwazi loomasipala obuya kubenza bakwazi ukuqhuba imisebenzi yabo nokulawula imicimbi yabo.
- (2) Urhulumente weNtshona Koloni unegunya, ngokwemiqathango yoMgaqo-siseko wesizwe, unegunya elisemthethweni naselulawulweni lokuba aqinisekise ukuba oomasipala baqhuba kakuhle kulaa misebenzi idweliswe kwiiShedyuli 4 no-5 zoMgaqo-siseko wesizwe ngokuthi ayilawule indlela abawasebenzisa ngayo amagunya abo oomasipala.

ISAHLUKO 6

ULAWULO LWEPHONDO

Abasebenzi bakarhulumente wephondo

55. Luxanduva lukarhulumente weNtshona Koloni ukufuna abasebenzi bakwarhulumente, ukubaqesha, ukubanyusela, ukubatshintsha nokubayekisa emsebenzini, oko ekwenza phantsi kwesikhokelo sezibakala nemigangatho elandelwa kwinkonzo yabasebenzi bakwarhulumente.

Iinkqubo ekuhanjwa ngazo elulawulweni lwephondo

56. Ulawulo lukarhulumente apha eNtshona Koloni kufuneka luhambe ngokwezikhokelo neenkqubo zedemokhrasi njengoko zityetyeshiwe kuMgaqo-siseko wesizwe.

ISAHLUKO 7

EZEMALI

Apho ivela khona imali yephondo

57. Imali yephondo ivela: —

- (a) kwisabelo esifanelekileyo kwimali efunyenwe ngurhulumente wesizwe nesithi sikhutshelwe iNtshona Koloni ngokwemiqathango yoMgaqo-siseko wesizwe;
- (b) kwezinye izabelo ezivela kwimali karhulumente wesizwe;
- (c) kwezinye iimali azifumanela ngokwakhe urhulumente weNtshona Koloni;
- (d) kwezinye iimali nakwezinye izinto anazo nathi azifumane urhulumente wephondo.

INGxowa yeMali yePhondo

58. (1) Yonke imali efunyenwe ngurhulumente weNtshona Koloni kufuneka ifakwe kwiNgxowa yeMali yephondo ngaphandle kwaleyo mali ithintelwa nguMthetho wePalamente ukuba ingangeniswa kule Ngxowa.
- (2) Imali ekwiNgxowa yeMali yePhondo ingakhutshwa kuphela —
 - (a) phantsi kwemiqathango yoMthetho wephondo ophathelele kusetyenziso-mali, okanye
 - (b) xa itsalwa ngqo kwiNgxowa yeMali yePhondo xa ukwenza oko kuvunyelwa nguMgaqo-siseko wesizwe okanye nguMthetho wePhondo.

Iirhafu

59. (1) IPalamente yePhondo isenokuthi ibeke —

- (a) iirhafu, imirhumo neentlawulo ezingaphandle kwerhafu yengeniso nevethi nerhafu-ntengo, neentlawulo ezihlawulelwa imihlaba okanye izinto ezingena zivela kwamanye amazwe;
- (b) iintlawulo ezilinganayo ezithiwa chatha kuyo nayiphi na irhafu okanye umrhumo okanye intlawulo ezibekwe yimithetho karhulumente wesizwe, ezingaphandle kwerhafu zengeniso ezibizwa abemveliso noshishino, nevethi neentlawulo ezihlawulelwa imihlaba okanye izinto ezingena zivela kwamanye amazwe.
- (2) IPalamente yePhondo isenokuthi iwise imithetho egunyazisa ukubizwa kweentlawulo kubasebenzisi.
- (3) Amagunya ePalamente yePhondo okubeka irhafu, imirhumo, iintlawulo ngokoMthetho wePalamente akufuneki asetyenziswe ngendlela enokuthi itshabhise imigaqo yezoqoqosho yesizwe okanye izinto ezenziwayo kwiinkalo zoqoqosho ngaphandle kwemida yephondo eli okanye enze ukuhamba kwezinto neenkonzo nemali nabasebenzi apha esizweni.

Uhlahlo-mali lwephondo

60. (1) Uhlahlo-mali lwephondo nomsebenzi wokwenziwa kwalo kufuneka zibonakalise ukuba izinto azenziwa ekhusini, ukungaziphathi nolwazi oluchubekileyo lokulawula inkalo yezemali kuqoqosho lwephondo, olokulawula amatyala nemisebenzi yakwarhulumente.
- (2) Uhlahlo-mali lwephondo kufuneka luhambe ngokwemithetho karhulumente wesizwe njengoko ityetyeshiwe kuMgaqo-siseko wesizwe ngokuphathelele kwindlela elumiswa ngayo, ukwandlalwa kwalo phambi kweNdlu yoWiso-mthetho, ukuxelwa kwalapho ivela khona imali kwakunye nenkcitho ecetywayo.
- (3) Umphathiswa osingathe imicimbi yemali kufuneka kunyaka-mali ngamnye andlale phambi kwePalamente yePhondo uhlahlo-mali oluqalathe
 - (a) uqikelelo lwemali ekhoyo nolwenkcitho, lwahlule phakathi kwemali yokuthenga nokwenza izakhiwo kunye naleyo yokusetyenziswa umhla nezolo;
 - (b) izindululo malunga nendlela ekuya kuhlawulwa ngayo imali ekucingwa ukuba kuya qhwalelwa ngayo kweso sithuba solo hlahlo-mali;
 - (c) ingcaciso malunga neenjongo zokuboleka imali namalunga nezinye izinto eziya kwenza ityala likarhulumente linyuke kuloo nyaka kungenwa kuwo.
- (4) Xa kulandelelaniswa izinto ezifuna ukwabelwa imali ngokokubaluleka kwazo apha kuhlahlo-mali lwephondo kufuneka kunikwe ingqwalaselo kumba wokulungisa into yokungalingani, owokudlelwa indlala noweemfuno zophuhliso zabantu beli phondo.

ICandelo leMali lePhondo

61. (1) Imithetho yephondo kufuneka ibe namalungiselelo ecandelo lemali lephondo kwaye isenokuthi ngokwemiqathango yomgaqo-siseko wesizwe ibeke amanyathelo okuqinisekisa ukuba izinto zenziwa elubala kwaye akwenziwa nothanda, nawokuqinisekisa ulawulo lwenkcitho, ngokuthi ibeke —
- (a) imigaqo evunyiweyo yohlolo-mali;
 - (b) ulwahlulo lweenkcitho;
 - (c) nemigaqo nemigangatho ephathelele kwezemali.
- (2) Icandelo lemali lephondo ngemvumelwano noMphathiswa wezeMali, linokukunqanda ukukhutshelwa kwemali kwisigqeba sephondo kuphela xa ngaba kukho ukutyeshelwa okuthe rhoqo kwale migaqo ikumhlathana (1).

Ukufunyanwa kwezinto

62. (1) Xa urhulumente weNtshona Koloni engena kwikhontrakthi yokunikwa izinto ezithile okanye iinkonzo ezithile kufuneka oko akwenze ngendlela efanelekileyo nengenamkhethe nengaqhutywa khusini nengenazindleko ziphezulu.
- (2) Umhlathana (1) awumthinteli urhulumente weNtshona Koloni xa ehamba ngokwesikhokelo semithetho karhulumente wesizwe, ukuba abe nenkqubo yokufumana izinto ekuvumelayo ukuba —
- (a) kubekho iimeko apho kuqalwa ngabathile ekunikweni kweekhontrakthi;
 - (b) kuqinisekiswa ukhuselo nophuhliso lwabantu okanye udidi oluthile lwabantu abebekade besingelwe phantsi ngenxa yocalu-calulo.

Iimali-mboleko

63. Urhulumente weNtshona Koloni usenokuthi ehamba ngokwemiqathango yemithetho karhulumente wesizwe, afune imali-mboleko yokujongana neendleko zokuthenga izinto nokwenza izakhiwo kwakunye nezomhla nezolo, kodwa ke iimboleko ezenzelwa ukujongana neendleko zomhla nezolo —
- (a) kufuneka zenziwe kuphela xa kukho imfuneko yokuba kuvalwe izikhewu kuloo nyaka-mali;
 - (b) kwaye kufuneka zihlawulwe zingaphelanga iinyanga ezilishumi elinesibini.

Umelo-qinisekiso kwiimboleko

64. (1) Urhulumente weNtshona Koloni unakho ukuba abe ngummeli kwiimali-mboleko ngokwemiqathango ekwimithetho karhulumente wesizwe kuphela.
- (2) Urhulumente weNtshona Koloni kufuneka apapashe ingxelo yeemboleko aye waba ngummeli kuzo, qho ngonyaka.

Irejista yezinto zikarhulumente

65. Imithetho yephondo kufuneka inomqathango wokuba —
- (a) makubekho irejista yokubhala izinto zikarhulumente
 - (b) nowokuba izinto zikarhulumente mazibhalwe kuloo rejista.

ISAPOLISA 8**AMAPOLISA****Iinkonzo zamapolisa kurhulumente weNtshona Koloni**

66. (1) Urhulumente weNtshona Koloni unelungelo —
- (a) lokubeka iliso kwindlela aziphatha ngayo amapolisa;
 - (b) lokuvandlakanya impumelelo yamapolisa asebenza phakathi koluntu;
 - (c) lokubeka iliso kwimpumelelo yenkonzo yamapolisa kwanelokufumana iingxelo malunga nenkonzo yamapolisa;
 - (d) lokukhuthaza umoya wobudlelwane phakathi kwamapolisa noluntu;
 - (e) nelokunxibelelana noMphathiswa karhulumente wesizwe ojongene neenkonzo zamapolisa malunga nemicimbi ephathelele kulwaphulo-mthetho nakumsebenzi wamapolisa apha eNtshona Koloni.

- (2) Ukuze ke akwazi ukuyenza le misebenzi ichakwe kumhlathana (1) urhulumente wephondo —
- (a) usenokuphanda okanye amisele ikhomishoni yokuphanda naziphi na izikhalazo zokungasebenzi kakuhle kwamapolisa okanye ukuphela komoya wobudlelwane phakathi kwamapolisa noluntu;
- (b) kufuneka enze izindululo kuMphathiswa wesizwe ojongene neenkonzoz zamapolisa.

Amagunya ePalamente yePhondo

67. (1) IPalamente yePhondo inokuwisa umthetho oyimfuneko ekufezekisweni kwale misebenzi ichakwe kumhlathana 66(1).
- (2) IPalamente yePhondo isenokubiza umkhomishinala wamapolisa wePhondo ukuba makaze kuvela phambi kwayo okanye phambi kwenye yeekomiti zayo aze kuphendula imibuzo ethile.
- (3) IPalamente yePhondo kufuneka ifumane ingxelo yonyaka kumkhomishinala wamapolisa wephondo malunga nemiba yeenkonzo zamapolisa kweli Phondo.

Uxanduva lolawulo

68. (1) AbaPhathiswa bePhondo usezandleni zabo umsebenzi weenkonzoz zamapolisa —
- (a) abawunikwa ngulo Mgaqo-siseko okanye yimithetho yephondo;
- (b) abawunikwa ngokwemiqathango yemithetho karhulumente wesizwe;
- (c) nabawunikwa yinkqubo yesizwe yeenkonzo zamapolisa.
- (2) IKhabhinethi yePhondo
- (a) kufuneka babekele uMphathiswa wesizwe ojongene neenkonzoz zamapolisa bamazise ngeemfuno zeNtshona Koloni ngokuphathelele kwiinkonzoz zamapolisa nangendlela ezilandelelana ngayo ngokubaluleka ezo mfuno;
- (b) basenokuthi bafake isikhalazo ngokuziphatha kwepolisa elithile kwinkonzoz yamapolisa apha eNtshona Koloni okanye ngolwaphulo-mthetho elithe lalwenza, kumbutho ozimeleyo omiselwe ngumthetho karhulumente wesizwe nojongene nezikhalazo ngamapolisa;
- (c) kufuneka bathabathe inxaxheba kwikomiti enoMphathiswa wesizwe nabaPhathiswa bamaPhondo abajongene neenkonzoz zamapolisa nesekwe nguMgaqo-siseko wesizwe ngenjongo yokuqinisekisa unxibelelwano lweenkonzo zamapolisa olunempumelelo nentsebenziswano phakathi kukarhulumente wesizwe noorhulumente bamaphondo.

Umkhomishinala weenkonzoz zamapolisa wephondo

69. (1) Phambi kokuba iKhabhinethi yePhondo ivane ngokunyulwa komkhomishinala wamapolisa ngokomqathango woMgaqo-siseko wesizwe isenokufuna ukuba nawuphi na lowo uthe watyunjelwa ukubekwa kwisikhundla sokuba ngumkhomishinala wephondo makakhe aze kuvela phambi kwayo okanye phambi kweekomiti yamalungu ayo.
- (2) Ukuba ngaba abaLawuli bamfumanisa umkhomishinala esilela emsebenzini wakhe, basenokuthi bathathe amanyathelo afanelekileyo okumsusa okanye okumtshintsha okanye awoluleko, behamba ngokwemithetho yesizwe: kodwa ke kuqondakale ukuba phambi kokuba abaPhathiswa bePhondo bawathathe loo manyathelo, kufuneka bambize loo mkhomishinala aze kuvela phambi kwabo okanye phambi kweekomiti yamalungu abo.

ISIAHLUKO 9

AMANYE AMAZIKO APHATHELELE KUMGAQO-SISEKO

IiKhansile zezeNkcubeko neZithethe

70. Imithetho yephondo isenokuba namalungiselelo okumiselwa kwekhansile okanye kweekhansile zezenkubeko nezithethe kwindawo ethile okanye kwiindawo ezithile apha kweli Phondo, ndawo ezo zinezithethe namasiko amanye nolwimi olunye.

UMKHOMISHINALA WENDALO ESINGQONGILEYO

Ukusekwa kunye nemigaqo yokulawula

71. (1) Kukho uMkhomishinala weNdalo esiNgqongileyo wephondo.
- (2) Xa esebenzisa amagunya akhe uMkhomishinala kufuneka aqinisekise ulondolozo lwendalo apha eNtshona Koloni, kwaye kufuneka anike ingqwalasela kwimfuno yokhuselo lwendaba kunye neyopkuqhutywa kophuhliso.
- (3) UMkhomishinala uzimele, ulawulwa kuphela nguMagaqo-siseko wesizwe, ngulo Mgaqo-siseko nangumthetho, kwaye kufuneka angabi nadolo namagunya akhe awasebenzise ngaphandle komkhethe noloyiko; ngokunjalo naxa esenza imisebenzi yakhe.

- (4) Ezinye izigqeba zikarhulumente wephondo kufuneka zimncedise zimkhusele uMkhomishinala khona ukuze kuqinisekiswa ukuba uhlala ezimele, engenadolo, enesidima kunjalo nje enempumelelo.
- (5) Kufuneka kungabikho mntu uphithikezana nomsebenzi woMkhomishinala.

Amagunya nomsebenzi

72. (1) UMkhomishinala kufuneka —
 - (a) abeke iliso kuphuhliso lwemimandla yasezidolophini neyasemaphandleni apho lunokuthi lube nefuthe kwindalo esingqongileyo;
 - (b) aphande izikhalazo ezimalunga nolawulo lwendalo esingqongileyo;
 - (c) enze isindululo malunga nendlela yokuziphatha yaso nasiphi na isigqeba sikarhulumente wephondo ebekuthe kwenziwa uphando ngaso;
 - (d) asebenze ngokwenqubo nemigaqo yosebenziswano loorhulumente ekuthethwa ngalo phaya kwisahluko 2.
- (2) UMkhomishinala unawo namagunya ongezelelweyo kwanemisebenzi eyongezelelweyo ayinikiweyo ngokomthetho wephondo.

Iimbopheleleko zezigqeba zikarhulumente wephondo

73. (1) Xa uMkhomishinala ethe wenza izindululo kwisigqeba esithile sikarhulumente wephondo, eso sigqeba kufuneka simnike ingxelo malunga naloo manyathelo sithe sawathatha sakuba sifumene ezo zindululo, oko sikwenze kungadlulanga xesha lininzi.
- (2) Xa nasiphi na isigqeba sephondo sakwarhulumente sithe sala okanye sasilela ekuzilandeleni izindululo esizininike nguMkhomishinala, kufuneka sithi sakucelwa simnike ingxelo ebhaliweyo uMkhomishinala yokuba kutheni na size sale okanye sisilele ukuhamba ngezo zindululo.

Iingxelo zoMkhomishinala

74. UMkhomishinala —
 - (a) kufuneka qho ngonyaka anike iPalamente yePhondo ingxelo ngezinto azenzileyo apha eNtshona Koloni eziphathelele kwimiba yendalo esingqongileyo;
 - (b) kufuneka naziphi na izindululo azenzileyo azingenise kwiPalamente yePhondo;
 - (c) kwaye ke ingxelo kwiPalamente yePhondo angayenza nangeliphi na elinye ixesha.

Ukubekwa

75. (1) UMkhomishinala kufuneka abe ngummi waseMzantsi Afrika —
 - (a) ohlala apha eNtshona Koloni;
 - (b) ofanelekileyo nonolwazi namava ngemiba ephathelele kwindalo esingqongileyo;
 - (c) noyifezekisayo imiqathango ebekwe yimithetho yephondo.
- (2) INkulumbuso kufuneka ibeke uMkhomishinala ongumntu —
 - (a) otyunjwe yikomiti enamalungu avela kuwo onke amaqela amelweyo kwiPalamente yePhondo nawagqiba ukuba athathe inxaxheba;
 - (b) owamkelwayo yiPalamente yePhondo ngesigqibo esixhaswe ubuncinane yi-60% yamalungu ayo.
- (3) Imithetho nemigaqo yePalamente yePhondo kufuneka ibavulele inxaxheba abantu kulo mba wokutyumba abantu bokungena kwesi sikhundla.

Ubude besithuba asihlalayo

76. UMkhomishinala ubekelwa isithuba seminyaka emithathu esinokuhlaziya kube kanye.

Ukususwa nokuyekiswa okwexeshana

77. (1) UMkhomishinala unokususwa esikhundleni sakhe kuphela —
 - (a) xa ethe wabonakalisa ukuziphatha kakubi, naxa ethe wagula ngengqondo naxa ebonakalise ukungakwazi ukwenza umsebenzi wakhe;
 - (b) xa ethe wafunyaniswa enjalo yikomiti enamalungu avela kumaqela onke amelweyo kwiPalamente yePhondo;

- (c) naxa iPalamente yePhondo yenza isigqibo sokuba lowo mntu makasuswe kweso sikhundla, sigqibo eso esixhaswe zizahlulo zesithathu ezibini ubuncinane zamalungu ePalamente yePhondo.
- (2) INkulumbuso —
 - (a) isenokummisa emsebenzini uMkhomishinala nanini na emva kokuba iqalisile ukuhlala ikomiti yePalamente yePhondo eqwalasela ukususwa kwaloo mntu esikhundleni;
 - (b) kufuneka umsuse umntu esikhundleni sakhe yakuba iPalamente yePhondo ithathe isigqibo sokuba makasuswe loo mntu esikhundleni.

Ukusekwa kunye nemigaqo yokulawula umkhomishina wezabaNtwana

- 78. (1) Kukho uMkhomishinala wezabaNtwana wephondo.
- (2) UMkhomishinala lo kufuneka ancedisane norhulumente weNtshona Koloni ekukhuseleni nasekukhuthazeni izinto ezilunge ebantwaneni apha eNtshona Koloni, ngakumbi ngokuphathelele:
 - (a) kwiinkonzo zempilo;
 - (b) kwimfundo;
 - (c) kwiinkonzo zentlalontle;
 - (d) kwizibonelelo zolonwabo;
 - (e) nakwimidlalo.

Amagunya nomsebenzi

- 79. (1) UMkhomishinala unamagunya abekwe yimithetho yephondo okuba abeke iliso aphande, afundise, agaye, acebise aze anike ingxelo ngemiba ephathelele ebantwaneni.
- (2) UMkhomishinala
 - (a) kufuneka qho ngonyaka anike ingxelo kwiPalamente yePhondo malunga namanyathelo athathwe ngurhulumente weNtshona Koloni okukhusela nokukhuthaza izinto ezilunge ebantwaneni kweli Phondo;
 - (b) kwaye ke ingxelo kwiPalamente yePhondo angayenza nangeliphi na elinye ixesha.

Ukubekwa nokususwa

- 80. UMkhomishinala ubekwa yiNkulumbuso asuswe kwayiyo ngokwesindululo esenziwe kuyo yiPalamente yePhondo.

ISAPHLUKO 10

IMIGAQO EZIZIKHOKELO ZOMGAQO-NKQUBO WEPHONDO

- 81. Urhulumente weNtshona Koloni kufuneka aqulunqe asebenzise imigaqo-nkqubo ejolise ekukhuthazeni nasekulondolozeni intlalontle yabantu balapha eNtshona Koloni, kubandakanywe nemigaqo-nkqubo ejolise ekuphumezeni kwezi nkalo zilandelayo:
 - (a) ukhuselo nokhuseleko
 - (b) ukukhuthazwa kokuphela kobuhlanga eNtshona Koloni;
 - (c) ukukhuselwa nokuphuculwa kwemeko yabantu okanye iindidi zabantu abebefudula besingelwe phantsi lualu-calulo
 - (d) ukukhuthazwa kokuxatyiswa kwamalungelo ezithethe neenkonzong neelwimi zabahlali baseNtshona Koloni;
 - (e) ukudalwa kwamathuba emisebenzi;
 - (f) ukukhuthazwa kwenkqubo yomsebenzi enonyaniseko
 - (g) ukukhuthazwa kwenkqubo yoqoqosho enoshishino olukhululekileyo; 10
 - (h) ukunika ingqwalasela ukufumaneka —
 - (i) kwezindlu;
 - (ii) kweenkonzo zempilo;

- (iii) kokutya okwaneleyo namanzi;
- (iv) nokhuseleko kwezintlalontle olubandakanya ukuncediswa kawbo bantu bangakwaziyo ukuzondla bona nabo baluxanduva lwabo.
- (i) imeko apho abantwana —
 - (i) banikwa amathuba nezibonelelo zokuba bakhule ngendlela enempilo nenkululeko nesidima;
 - (ii) nalapho bakhuselekileyo ekungcungcuthekisweni nasekungahoyweni nakwimpathekombi nasekulahlweni;
 - (iii) nalapho bafumana imfundo phantsi kwenkqubo yemfundo ekhethwe ngabazali babo;
- (j) uphuhliso lwemimandla yasemaphandleni nokukhuthazwa kwentlalontle yabasebenzi basemaphandleni;
- (k) indlela yokubizwa kweerhafu elungileyo ehamba elubala neziqwalaselayo iimfuno namandla abantu abahluphekileyo kweli Phondo.
- (l) imeko apho bonke abantu abadala nabanobulwelwe —
 - (i) balufumana ngokufanelekileyo ulondolozo emakhayeni abo okanye kwindawo ezifanelekileyo zolondolozo lwabantu abadala xa bethe basuswa emakhayeni abo;
 - (ii) bondliwa kakuhle, bafumane iindawo zokuhlala, nolondolozo lwempilo yabo namalungiselelo entlalo aphambili;
 - (iii) nalapho bakhuselekileyo endlaleni, ekungahoyweni, kwimpathombi, ekungcungcuthekisweni nasekwenziweni amalolo ngenkani;
- (m) ukukhuselwa kwendalo esingqongileyo apha eNtshona Koloni, ekubandakanywa kuyo izilwanyana nezityalo, ngenjongo yokulungiselela ezi zikhoyo kunye nezizayo izizukulwana.
- (n) ukukhuselwa nokulondolozwa kwezinto zendalo ezinembali, nezibalulekileyo kwimbali yentlalo nezithethe neendawo ezibonakalisa intlalo nezakhiwo zamandulo apha kwiNtshona Koloni ngenjongo yokulungiselela ezi zikhoyo kunye nezizayo izizukulwana;
- (o) ukukhuthazwa kophuhliso naphuculo lolutsha.

Igunya lemigaqo ezizikhokelo zomgaqo-nkqubo wephondo.

82. Imigaqo ezizikhokelo zomgaqo-nkqubo wephondo equlathwe apha kulo mhlathi/kwesi sahluko ayinyanzeliswa ngokwasemthethweni, koko ibonisa urhulumente wephondo indlela anokuyihamba xa esenza imithetho naxa eyisebenzisa.

ISIAHLUKO 11

EZINYE IINGONGOMA NGOKUBANZI

Amalungiselelo exeshana

83. IShedyuli 3 imalunga nenguqu eya kwimeko yomgaqo-siseko omtsha eNtshona Koloni meko leyo esekwa ngulo Mgaqo-siseko, kwakunye neminye imiba ephethelele kuloo nguqu.

Itayitile emfutshane nokuqalisa

84. (1) Lo Mthetho ubizwa ngokuba nguMgaqo-siseko weNtshona Koloni, kwaye uya kuqalisa kungekudala ngomhla obekwe yiNkulumbuso ngompoposho okhutshwe kwigazethi karhulumente wePhondo, umhla lowo ekuya kufuneka ukuba ungabi semva komhla wokuqala kuJulayi ka-1998.
- (2) INkulumbuso isenokubeka eminye imihla engaphambili kulo mhla ubekwe kumhlathana (1) ngokuphathelele kweminye imiqathango yalo Mgaqo-siseko, kodwa ke kuqondakale ukuba amacandelo 57, 58, 59(1), 60, 61, 63 no-64 wona aqala ngomhla wokuqala kuJanuwari ka-1998.
- (3) Ngaphandle kwaxa intsingiselo iyenye, xa kumqathango othile apha kulo Mgaqo-siseko kuthethwa ngexesha lokuqalisa kwawo lo Mgaqo-siseko kufuneka ukuba oko kuthathwe ngokuba kubhekisele kwixesha owaqala ngalo umqathango lowo.

ISHEDYULI 1

IZIFUNGO NOQINISEKISO OLUNYANISEKILEYO

1. Isifungo okanye uqinisekiso olunyanisekileyo lwamalungu ePalamente

- (1) Amalungu ePalamente yePhondo kufuneka afunge okanye aqinisekise ngolu hlobo lulandelayo phambi koMongameli weNkundla yoMgaqo-siseko okanye iJaji ekhethwe nguMongameli weNkundla yoMgaqo-siseko:

Mna, A.B, ndiyafunga/ndiyaqinisekisa ngokunyanisekileyo ukuba ndiya kuthembeka kwiRiphabliki yoMzantsi Afrika nakwiPhondo leNtshona Koloni, kwaye ndiya kuwuthobela, ndiwunike imbeko ndiwuphakamise uMgaqo-siseko weSizwe, owephondo kwakunye nayo yonke imithetho yale Riphabliki kwaye ndiyathembisa ngokunyanisekileyo ukuba ndiya kuwenza kangangoko ndinakho umsebenzi wam njengelungu lePalamente yePhondo.

(Xa isisifungo: Ndincede Thixo.)

- (2) Abantu abavala izikhewu kwiPalamente yePhondo nabo basenokufunga okanye baqinisekise ngokunyanisekileyo ngokwalo mhlathana (1) ngentla apaha phambi kwegosa elichophele iPalamente yePhondo.

2. Isifungo okanye uqinisekiso olunyanisekileyo lweNkulumbuso, olweNkulumbuso ebambeleyo nolwabaPhathiswa bePhondo

INkulumbuso okanye iNkulumbuso yePhondo ebambeleyo noMphathiswa wePhondo ngamnye kufuneka bafunge okanye baqinisekise ngolu hlobo lulandelayo phambi koMongameli weNkundla yoMgaqo-siseko okanye iJaji ekhethwe nguMongameli weNkundla yoMgaqo-siseko:

Mna, A.B, ndiyafunga/ndiyaqinisekisa ngokunyanisekileyo ukuba ndiya kuthembeka kwiRiphabliki yoMzantsi Afrika nakwiPhondo leNtshona Koloni, kwaye ndiya kuwuthobela, ndiwunike imbeko ndiwuphakamise uMgaqo-siseko weSizwe, owephondo kwakunye nayo yonke imithetho yale Riphabliki kwaye ndenza isibhambathiso sokuba isihlalo sam njengeNkulumbuso/njengeNkulumbuso eliBamba/njengoMphathiswa wePalamente yePhondo ndiya kusibamba ngembeko nondiliseko, nesokuba ndiya kuba lilungu.elithembekileyo; nesokuba andisayi kudiza nantoni na elihlebo endithe ndasingathiswa yona nokuba kungendlela ethe ngqo okanye engathanga ngqo, nesokuba ndiya kuwenza kangangoko ndinakho umsebenzi wam.

(Xa isisifungo: Ndincede Thixo.)

ISHEDYULI 2

INKQUBO YONYULO

Ukufakwa kwesicelo

1. Iinkqubo ezicaciswe kule shedyuli zisebenza ngalo lonke ixesha iPalamente yePhondo idibana ngenjongo yokunyula iNkulumbuso yeNtshona Koloni okanye uSomlomo (okanye uSekela-Somlomo) wePalamente yePhondo

Utyumbo

2. Lowo mntu uchophele intlanganiso esebenza kuyo le Shedyuli kufuneka acele intlanganiso leyo ukuba mayimnike amagama abantu abangabatyunjwa babo.

Ukwenziwa kwezicelo ngokusesikweni

3. (1) Utyumbo kufuneka lwenziwe kwifomu elungiselelwe oko yimigaqo ekhankanywe kumhlathana 9.
 (2) Loo fomu kwenziwe kuyo utyumbo kufuneka isayinwe ngamalungu amabini ePalamente yePhondo, ukuba ngaba kunyulwa iNkulumbuso yePhondo okanye uSomlomo (okanye uSekela-Somlomo) wePhondo.
 (3) Lowo mntu uthe watyunjwa kufuneka angqiniseke ukuba uyakuvuma oko kutyunjwa ngokuthi asayine ifomu yotyumbo leyo okanye nangayo nayiphi na enye indlela ebhaliweyo.

Ulwaziso lwamagama abatyunjwa

4. Kwintlanganiso apho le Shedyuli isebenzayo umntu oyichopheleyo kufuneka azise amagama abo bantu bathe batyunjwa, kodwa ke angavumeli ngxoxo ngawo.

Umtyunjwa oyedwa

5. Ukuba ngaba mnye qha umntu othe watyunjwa, umntu ochophele intlanganiso leyo uya kumazisa loo mntu njengomntu onyuliweyo.

Inkqubo yonyulo

6. Ukuba ngaba bangaphezulu komntu omnye abantu abathe batyunjwa —
 (a) kufuneka kuvotwe kulo ntlanganiso, kuvotwa ekhusini ngamaphetshana okuvota.

- (b) ilungu ngalinye elikhoyo entlanganisweni livota kube kanye;
- (c) umntu ochophele intlanganiso kufuneka lowo mntu ufumene iivoti ezisisininzi amazise njengomntu onyuliweyo.

Inkqubo yokhiqwano

- 7. (1) Ukuba ngaba akukho mtyunjwa uneevoti ezisisininzi, umtyunjwa ofumene ezona voti ziphantsi kufuneka akhiqwe kuze ke kuqhutywe olunye uvoto ngaa batyunjwa baseleyo ngokwemiqathango yomhlathana 6. Le nkqubo kufuneka iphinda-phindwe de kubekho umtyunjwa ofumana iivoti ezisisininzi.
- (2) Xa kuhanjwa ngale nkqubo ikumhlathana (1), ukuba ngaba babini okanye ngaphezulu abatyunjwa abanezona voti ziphantsi kufuneka abo batyunjwa bavotelwe bodwa kude kucace ukuba nguwphi na ekufuneka ekhiqiwe.

Ezinye iintlanganiso

- 8. (1) Ukuba ngaba babini kuphela abantu abatyunjiweyo okanye ukuba ngaba kushiyeke abatyunjwa ababini kuphela emva kokuba kuthe kwakhiqwa, baze ke aba batyunjwa babini baseleyo babe nenani elilinganayo leevoti, kufuneka kubanjwe enye intlanganiso zingadlulanga iintsuku ezisixhenxe ibanjwe ngexesha eliya kuthi libekwe ngusihlalo.
- (2) Ukuba ngaba kuye kwabanjwa enye intlanganiso ngokwalo mhlathana (1) kufuneka kulandelwe inkqubo ekule Shedyuli nakuyo loo ntlanganiso oku ngathi yintlanganiso yokuqala yolo nyulo.

Imithetho

- 9. Imithetho elawula le nkqubo yonyulo ingentla apha yimithetho equlunqwe nguMongameli weNkundla yoMgaqo-siseko ngokwemiqathango yoMgaqo-siseko wesizwe.

ISHEDYULI 3

AMALUNGISELELO EXESHANA

Ukutolikwa kwemithetho ekhoyo

- 1. Ngaphandle kwalapho indlela asetyenziswe ngayo inika enye intsingiselo, apho bekuthethwa ngeNdlu yoWiso-mthetho yePhondo ngokuya ubungekasebenzi lo Mgaqo-siseko, apha kulo kuthethwa ngePalamente yePhondo.

Iilwimi

- 2. (1) I candelo 5(1) lalo mgaqo-siseko lixhomekeke koku kulandelayo:
Urhulumente weNtshona Koloni kufuneka awise imithetho athathe namanye amanyathelo afanelekileyo ngokwamandla akhe ukuzama ukuba isiBhulu, isiNgesi nesXhosa zide zibekwe kwinqanaba elilinganayo.
- (2) Le mithetho ikhankanywa kumhlathana (1) ngentla apha kufuneka ibe seyiphunyeziwe kwisithuba seenyanga ezili-12 emva kokuba uqalisile lo Mgaqo-siseko ukusebenza.

IPalamente yePhondo

- 3. (1) Nabani na olilungu okanye igosa leNdlu yoWiso-mthetho yePhondo xa uqala ukusebenza lo Mgaqo-siseko uyaqhuba abe lilungu lePalamente yePhondo okanye igosa layo. ngokwalo Mgaqo-siseko.
- (2) IPalamente yePhondo ngokwalo mhlathana (1) kufuneka ithathwe njengenyulwe phantsi kwalo Mgaqo-siseko isithuba esiya kuphela ngomhla wama-30 Apreli 1999.
- (3) Ngalo lonke eli xesha liphela ngomhla wama-30 Apreli 1999, kodwa ke phantsi kwemiqathango yecandelo 17(4) lalo Mgaqo-siseko, iPalamente yePhondo inamalungu angama-42 kunye nababefudula bengamalungu enNdlu yeeNgwevu abathe ngoku baba ngamalungu ePalamente yePhondo ngokwemiqathango yoMgaqo-siseko wesizwe.
- (4) Imithetho nemigaqo yeNdlu yoWiso-mthetho yePhondo esebenza xa uqala lo Mgaqo-siseko ukusebenza iya kuqhuba ukusebenza, phantsi ke kwezilungiso ezinokwenziwa kuyo neemeko zokuba itshitshiswe.

Ukunyulwa kwePalamente

- 4. (1) IShedyuli 2 yoMthetho oyiConstitution of the Republic of South Africa Act, 1993 (Umthetho 200 ka-1993) ngokwezilungiso kwiSihlomelelo A ukuya kwiShedyuli 6 yoMgaqo-siseko wesizwe, uyasebenza -
 - (a) kunyulo lokuqala lwePalamente yePhondo phantsi kwalo Mgaqo-siseko;
 - (b) namalunga nouphelelwa bubulungu kwiPalamente yePhondo kwiimeko ezizezinye ngaphandle kweziya zichazwe kwicandelo 15(3) lalo Mgaqo-siseko, de kube lunyulo lwesibini lwePalamente yePhondo phantsi kwalo Mgaqo-siseko;
 - (c) malunga nokuvalwa kwezikhewu kwiPalamente yePhondo, ukongezwa nokuhlaziywa koluhlu lwamaqela ngenjongo yokuvala izikhewu, de kube lunyulo lwesibini lwePalamente yePhondo phantsi kwalo Mgaqo-siseko.

- (2) Akukho nyulo lunokuqhutywa apha kwiPalamente yePhondo phambi komhla wama-30 Apreli 1999 ngaphandle koubha iPalamente yePhondo ibiye yatshitshiswa ngokwecandelo 18(2) xa bekuthe kwabakho ivoti evakalisa ukunganeliseki yiNkulumbuso ngokwecandelo 51(2).

Izifungo noqinisekiso

5. Umntu oqhuba esikhundleni ngokwemiqathango yale Shedyuli nothe wenza isifungo seso sikhundla okanye uqinisekiso phantsi koMgaqo-siseko wesizwe okanye phantsi kweRepublic of South Africa Constitution Act, 1993 (UuMthetho 200 ka-1993), akukho mfuneko yokuba aphinde afunge okanye enze uqinisekiso olunyanisekileyo phantsi kwalo Mgaqo-siseko.

Ukutshitshiswa kwePalamente yePhondo phambi kokuba liphele ixesha layo

6. ICandelo 18(1) lalo Mgaqo-siseko lisaxhonyiwe de kube ngumhla wama-30 Apreli 1999.

Abameli kwiKhansile yaMaphondo yeSizwe

7. IPalamente yePhondo isenokuthi, ngalo mzuzu kungekabikho Mthetho wePalamente uwiswayo ngokwecandelo 65(2) loMgaqo-siseko wesizwe, yenze imithetho nemigaqo yokunikwa kwamagunya kubameli bayo kwiKhansile yaMaphondo yeSizwe okuba ayimele ezingxoweni avote nasegameni layo phaya kwiKhansile.

IKhabhinethi yePhondo

8. (1) Nabani na oyiNkulumbuso ukuqalisa kwalo Mgaqo-siseko, uya kuqhuba kweso sikhundla ngokwemiqathango yalo Mgaqo-siseko.
- (2) De kube lunyulo lwesibini oluhamba ngokwemiqathango yecandelo 44 lalo Mgaqo-siseko, amacandelo 42 no-43 alo Mgaqo-siseko kufuneka ukuba athathwe ukuba afundeka ngokoluya hlobo luchazwe kwiSihlomelelo A sale Shedyuli.

Ukuwiswa kwemithetho okufunwa ngulo Mgaqo-siseko

9. (1) Apho uMgaqo-siseko lo ufuna kuwiswe imithetho okanye imithetho nemigaqo yePalamente yePhondo, loo mithetho nalo migaqo kufuneka iwiswe okanye yamkelwe sisiphathamandla esifanelekileyo lingadlulanga ixesha elifanelekileyo emva komhla wokuqala ukusebenza kwalo Mgaqo-siseko.
- (2) Imithetho yephondo exelwe kumacandelo 65 nele-70 alo Mgaqo-siseko kufuneka iwiswe zingadlulanga iinyanga ezili-12 emva kokuba lo Mgaqo-siseko uqalisile.

ISIHLOMELELO A

1. ICandelo 42 lalo Mgaqo-siseko lithathwa ukuba lifundeka ngolu hlobo:

IKhabhinethi yePhondo

42. (1) IKhabhinethi yePhondo ineNkulumbuso, intloko yeKhabhinethi yePhondo
- (a) kunye nabaPhathiswa bePhondo abangekho ngaphantsi kwesihlanu kodwa bengekho ngaphezulu kweshumi abangamalungu ePalamente
- (b) nabaPhathiswa bePhondo abangadlulanga kwisibini abangabantu abaselungelweni lokuba ngamalungu ePalamente, phofu ke bengengawo, kodwa ke kube kanti iNkulumbuso ibona kufanelekile ikuba banyulwe abo baPhathiswa bePhondo balolu hlobo.
- (2) INkulumbuso inyula abaPhathiswa bePhondo, ibanike amagunya abo nemisebenzi yabo, kwaye ke isenokubakhupha kwezo zihlalo.
2. ICandelo 43 lalo Mgaqo-siseko lithathwa ngokuba liqulathe nalo mhlathana wongezelelweyo:
- (4) Umpathiswa wePhondo ochazwe kumhlathi 42(1)(b) angeza kwiindibano zePalamente yephondo, athethe, kodwa ke akanalo ilungelo lokuba angavota, naxa nje ke phofu enalo lona ilungelo elichazwe kwicandelo 26 lalo Mgaqo-siseko.