



THE PROVINCE OF NORTHERN TRANSVAAL
DIE PROVINSIE NOORD-TRANSSVAAL
PROFENSE YA LEBOWA LA TRANSFALA
XIFUNDZANKULU XA TRANSVAAL N'WALUNGU
VUNDU LA DE VHULA HA TRANSIFALA

Provincial Gazette Provinsiale Koerant Kuranta ya Mmušo Gazete ya Xifundzankulu Gazethe ya Vundu

(Registered as a newspaper) • (As 'n nuusblad geregistreer)
(E ngwaditswe bjalo ka Kuranta)
(Yirhijistariwile tanihi Nyuziphepha)
(Yo redzhistariwa sa Nyusiphepha)

Selling price: Verkoopprys: Thekišo: Nxavo: Mutengo wa thengiso:	R1,50	Other countries: Buitelands: Naga tša kantle: Ematikweni mambe: Manwe mashango:	R1,95
--	-------	---	-------

PIETERSBURG,

Vol. 1

7 OCTOBER 1994
7 OKTOBER 1994
7 OCTOBORO 1994
7 NHLANGULA 1994
7 TSHIMEDZI 1994

No. 5

PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 4

7 October 1994

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:—

No. 3 of 1994: Northern Transvaal Exchequer Act, 1994.

ACT

To provide for the regulation of the collection, receipt, control, custody and income of State moneys and the receipt, custody and control of other State property; the duties and powers of the Treasury; the granting of guarantees, indemnities and securities; and matters connected therewith.

(English text signed by the Premier)
(Assented to on 6 October 1994)

BE IT ENACTED by the Provincial Legislature of the Northern Transvaal, as follows:—

Definitions

1. (1) In this Act and any regulation and instruction issued in terms thereof, unless the context otherwise indicates—

“accounting officer” means a person referred to in section 16 and 17;

“adjustments estimate” means an estimate of expenditure from the Revenue Fund submitted to the Provincial Legislature in respect of expenditure on services of the Province and which are confined to—

- (a) the shifting of funds between and within votes;
- (b) reappropriation of money which was appropriated in the preceding financial year, but was not spent;
- (c) appropriation of money for services of the Province in respect of which no or insufficient moneys have been appropriated in the relevant financial year and which may only be appropriated—
 - (i) from money obtained from the sale of assets of the Province;
 - (ii) as a result of an authorization issued under section 7;
 - (iii) in respect of expenditure already announced by the responsible Member in his speech during the tabling of the appropriation Act in the Provincial Legislature; or
 - (iv) in respect of expenditure regarded as being unforeseen and unavoidable by the Treasury; or
- (d) any other change or adjustment to an appropriation Act which applies in the relevant financial year and which the Treasury deems necessary; and

(e) additional, conditional and unconditional allocations by Parliament;

“appropriation account” means an account mentioned in section 15;

“appropriation Act” means an act by which the estimates of expenditure or adjustments estimate is appropriated as a charge against the Revenue Account approved by the Provincial Legislature;

“Auditor-General” means the person appointed as such in terms of section 191(2) of the Constitution;

“Bank” means a bank mentioned in the Banks Act, 1990 (Act No. 94 of 1990);

“credit” means an allocation of an amount of money in the Paymaster-General’s Account to an accounting officer;

“estimates of expenditure” means an estimate of expected expenditure from the Revenue Fund on the services of the Province during a financial year which are submitted to the Provincial Legislature and which contain particulars of the purposes for which moneys, appropriated in an appropriation Act shall be utilized and includes any estimates of supplementary expenditure on such services during that financial year which it is deemed necessary to provide for after the first-mentioned estimate has been submitted to the Provincial Legislature, but before it has been approved;

“Exchequer Account” means the account mentioned in section 3(1);

“financial year” means the period extending from 1 April in any year to 31 March in the next succeeding year;

“instruction” means an instruction issued by the Treasury in terms of section 25;

“National Treasury” means the national financial authority in the Public Service which is vested in the Department of State Expenditure mentioned in the Public Service Act, 1994, and whose powers in relation to any matter are exercised by the Minister of Finance or an officer in that department who, by virtue of a division of work in that department, deals with that matter;

“Paymaster-General’s Account” means the account mentioned in section 9(1);

“Provincial debt” means money borrowed by the Province in terms of any law or which accrued to the Province in terms of section 239 of the Constitution and which is to be repaid from the Revenue Fund;

“Revenue” means all moneys received whether directly or as transfer payments from the National Revenue Fund by way of taxes, imposts or duties and all casual and other receipts of the Province, whatever the source, which may be appropriated by the Provincial Legislature, and includes moneys borrowed in terms of the provisions of any law, but does not include the amount of any fine not exceeding R50 imposed upon any person by any court of law, in so far as such amount has not been paid, or Revenue accruing to the National Revenue Fund or any other provincial Revenue Fund;

"Regulation" means a regulation made by the responsible Member in terms of section 24;

"Revenue Account" means the account mentioned in section 2;

"Revenue Fund" means the fund established by section 159 of the Constitution;

"standard interest rate" means the rate of interest determined in terms of a national exchequer act;

"State moneys" means—

- (a) all Revenue; and
- (b) all other moneys whatever received or held by an accounting officer for, or on account of the Province;

"State property" means any property of the Province, the disposal of which is not governed by any other law;

"statutory body" means any local authority, board, fund, institution, company, corporation or other organization established or constituted by or under any law in terms of which funding may be done from the Revenue Account or of which the accounts are to be audited by the Auditor-general;

"the Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

"the responsible Member", means the Member of the Executive Council of the Province responsible for financial matters;

"this Act" also includes any regulation or instruction issued thereunder;

"Treasury" means the provincial financial authority in the Province which is vested in the component responsible for financial matters, and whose powers with regard to any matter are exercised by the responsible Member or an officer in that component who, by virtue of a division of work in that component, deals with that matter;

"trust money" means money kept by an accounting officer or other person in the service of the Province on behalf of a person or body, which money is not State money;

"trust property" means property kept by an accounting officer or other person in the service of the Province on behalf of a person or body, which property is not State property;

"vote" means a vote shown in a schedule to an appropriation Act.

(2) A reference in any law to the State Revenue Fund pertaining to a power assigned to the province or vesting in the Province, shall be deemed to be a reference to the Revenue Fund in so far as that power is assigned to or vests in the Province.

CHAPTER I

REVENUE, EXPENDITURE AND ACCOUNTING SYSTEM

Account of Revenue Fund

2. The Treasury shall make provision in its books in respect of the Revenue Fund for a Revenue Account which shall be credited with all revenue accruing to it in terms of this Act or any other law, and from which shall be defrayed all expenditure and be paid any amounts with which it is charged in terms of this Act or any other law.

The Exchequer Account

3. (1) (a) The Treasury shall maintain at a Bank an account, titled "the Account of the Exchequer of the Province", into which shall be deposited all revenue.

(b) Such deposits shall be made on each appropriate working day.

(2) The Bank shall on each appropriate working day render to the Treasury, in such form as the Treasury may determine, returns of Revenue deposited in the Exchequer Account.

(3) The Treasury may utilize any moneys in the Exchequer Account for the defrayment of expenditure chargeable to the account mentioned in section 2.

(4) The Treasury shall, subject to the provisions of this Act, ensure that there shall at all times be sufficient moneys in the Exchequer Account for transfer in accordance with section 9(1).

Appropriations of moneys in Revenue Fund, and estimates of expenditure and revenue

4. (1) The moneys in the Revenue Fund shall be appropriated by the Provincial Legislature as a charge against the Revenue Account by an appropriation Act or other act for the requirements of the Province: Provided that until such time as provision has been made in an appropriation Act for such requirements during a financial year, such moneys shall be deemed to have been appropriated by an act for such requirements, subject to the following limitations:

- (a) in respect of the first four months of the relevant financial year, to not more than 45 per cent of; and
- (b) in respect of each of the following months, to not more than 10 per cent of; and
- (c) in total, to not more than the amount voted by the Provincial Legislature, by an appropriation Act for the immediately preceding financial year.

(2) Issues by virtue of the proviso to subsection (1) shall be deemed to be issues by virtue of the appropriation Act for the financial year in question, and as a charge against the Revenue Account.

(3) Moneys deemed to have been appropriated as contemplated in the proviso to subsection (1) shall only be utilized for services in respect of which expenditure was authorized by an appropriation Act during the immediately preceding financial year, or in respect of which some other authorization by another act exists.

(4) When applying this section where—

- (a) the Province could not adopt an appropriation Act as it did not yet exist; or
- (b) certain functions were imposed on the Province after an appropriation Act had been passed for the preceding financial year, in the case of paragraph (a) the total amount on which the relevant percentages are based is determined by the responsible Member, and in the case of paragraph (b) the total amount of the appropriation Act of the preceding financial year is increased by the costs of that function for a full year and such functions shall, for the purposes of subsection (3), be deemed to be part of the relevant appropriation Act.

(5) The responsible Member—

- (a) shall for every financial year, in a form determined by the Minister responsible for national financial matters, submit to the Provincial Legislature estimates of Revenue and expenditure to be defrayed from the Revenue Account; and
- (b) may submit to the Provincial Legislature an adjustments estimate to be so defrayed.

Duration of appropriation Act, and expenditure in a financial year

5. (1) An appropriation Act shall not be construed as authorizing the utilization of moneys appropriated therefor in a financial year other than the financial year to which it expressly relates.

(2) Subject to the provisions of subsection (3) and section 7, expenditure shall in each financial year be incurred in accordance with standing statutory appropriations and, in respect of each vote, in accordance with the main divisions thereof, the particulars of which shall be contained in the estimates of expenditure and the adjustments estimate.

(3) Expenditure on a service in respect of which no or insufficient provision has been made in an appropriation Act, shall not be brought to account as a final debit against a vote, unless—

- (a) in the case of insufficient provision, a saving under any main division of the vote concerned being applied towards such expenditure, unless the Treasury directs otherwise; or
- (b) the responsible Member granted a written authority therefor beforehand in terms of section 7.

Column 2 items

6. (1) The amounts appearing in "Column 2" of a schedule to an appropriation Act in respect of any vote shall, subject to the provisions of section 7(1)(b)(ii), not be exceeded, and savings thereon may, with the approval of the responsible Member, be applied towards the defrayment of any other expenditure for which insufficient appropriation has been made under that vote.

(2) An amount appearing in "Column 2" of a schedule to an appropriation Act in respect of any vote, may be increased with such a portion of the moneys appropriated for the Vote: Improvement of conditions of service of the Province, as the accounting officer in consultation with the Treasury may determine.

Authority by the responsible Member for utilization of moneys in certain circumstances

7. (1) Notwithstanding the provisions of sections 4 and 6, the responsible Member may grant authority for moneys in the Revenue Fund to be utilized during a financial year—

(a) to defray expenditure of an exceptional nature which has not been provided for in an appropriation Act and which cannot without serious prejudice to the public interest be postponed until appropriation therefor can be made by the Provincial Legislature; or

(b) to defray—

(i) expenditure in connection with an expected excess on a vote which cannot, without serious prejudice to the public interest, be postponed until appropriation therefor can be made by the Provincial Legislature; and

(ii) expenditure in connection with an expected excess of amounts which appear in "Column 2" of a schedule to an appropriation Act: Provided that the total amount in respect of which authority may be granted in terms of this section shall not at any time exceed an amount equal to two per cent of the total amount appropriated by the then current appropriation Act or which is available by virtue of the proviso to section 4(1).

(2) Steps shall be taken, not later than during the next ensuing session of the Provincial Legislature, for the appropriation of any amounts which have been or will be utilized in terms of subsection (1).

(3) The authority contemplated in subsection (1) shall be granted only if it complies with the criteria stated in the definition of "adjustments estimate" in section 1(1).

Power of Treasury to limit or suspend incurring of expenditure

8. (1) Notwithstanding anything to the contrary contained in any law, including any law whereby money is appropriated for any statutory body, fund or account, the appropriation Act, or an authority granted in

terms of section 7, shall be construed as merely indicating the maximum amount which may be utilized for the service or purpose concerned, and the Treasury may withhold or suspend the disbursement of moneys which have been appropriated or in respect of which authority has been granted in terms of section 7(1), if in the opinion of the Treasury circumstances make such withholding or suspension desirable.

(2) The Treasury shall keep a record of every withholding or suspension in terms of subsection (1) and shall without delay notify the accounting officer and the Auditor-General of every such withholding or suspension.

(3) Any amount of which payment was in terms of subsection (1) withheld or suspended may be utilized during the financial year concerned for a purpose approved by the Treasury.

(4) The Treasury shall keep a record, and without delay notify the Auditor-General, of every approval granted in terms of subsection (3).

Account of Paymaster-General

9. (1) In addition to the Exchequer Account, the Treasury shall maintain at the Bank an account entitled the Account of the Paymaster-General and may cause so much of any moneys —

- (a) appropriated by law;
- (b) which may, by virtue of the provisions of section 7, be utilized for any purpose; or
- (c) deemed to be appropriated by law, as have been requisitioned in terms of subsection (3), to be transferred from the Exchequer Account to the Paymaster-General's Account.

(2) (a) The Treasury shall grant to an accounting officer, on a requisition by him or her, and out of the moneys in the Paymaster-General's Account, credits out of which disbursements for the services for which he or she is responsible, shall be made by him or her.

(b) The Treasury may limit the granting of credits referred to in paragraph (a) to the amounts which, in its opinion, are required for current payments in respect of the service or purpose for which it may be utilized.

(3) The Treasury shall not grant a credit in respect of an amount of which payment was withheld or suspended in terms of section 8(1), unless an approval has been granted in terms of section 8(3).

(4) An accounting officer shall keep account of all credits granted to him or her in terms of subsection (2) as well as all disbursements therefrom.

(6) An accounting officer may, in addition to State moneys, deposit other moneys for which he or she is accountable in the Paymaster-General's Account and may make disbursements from that account.

(6) In regard to the Paymaster-General's Account the Treasury shall maintain for each accounting officer an account of all credits, deposits, disbursements and withdrawals.

(7) An accounting officer shall as soon as is practicable after his or her accounts for any financial year have been closed, surrender to the Treasury, for redepositing in the Exchequer Account, any unexpended moneys in respect of which he received credits in terms of subsections (2) and (8), and the Treasury shall credit therewith the account in the Revenue Fund which was charged with the anticipated expenditure concerned.

(8) If it appears after 31 March of any financial year that the expenditure by an accounting officer on services in that financial year may possibly exceed the amount of the credits granted to him or her by the Treasury in terms of subsection (2), he or she shall as soon as possible, provided appropriate funds for that financial year are still available under the vote concerned, requisition the Treasury for a credit to cover such expected excess, and the Treasury may, in the manner prescribed in subsections (1) and (2), grant the necessary credit and cause the moneys in question to be transferred in the following financial year.

(9) An accounting officer shall limit the amount of his or her requisitions on the Treasury for credits to the amounts which in his or her opinion are essential to meet his or her current monthly disbursements, and the Treasury shall, subject to the provisions of section 8(1), grant credits to the extent of such amounts and to such extent only.

(10) The Treasury shall limit the amount of its requisitions on the National Treasury for credits in respect of moneys accruing to it in terms of section 155(2)(c) of the Constitution as a charge against the National Revenue Account, to amounts necessary to defray its current expenditure, and the National Treasury shall grant credits for such amounts.

(11) Notwithstanding anything to the contrary contained in this section, the Treasury may, on a requisition by the Secretary of the Provincial Legislature, pay to the said Secretary the moneys appropriated for the services of the Provincial Legislature, or which, by virtue of the provisions of section 7, may be utilized therefor, or are deemed to be appropriated therefor by law, and the Treasury shall for that purpose grant the said Secretary credits.

(12) The Treasury may temporarily utilize moneys in the Paymaster-General's Account, which in its opinion are available therefor—

- (a) to grant advances to an accounting officer on such conditions as it may determine;
- (b) to make transfers to the Exchequer Account for the purposes of the financing of anticipated deficits in that account, and moneys so transferred shall be deemed to be moneys borrowed in accordance with the provisions of a law; and
- (c) for temporary investment on such conditions as it may determine.

Power of the Treasury to utilize moneys in the Exchequer Account for certain purposes

10. (1) The Treasury may utilize available moneys in the Exchequer Account—

- (a) for temporary investment in the Republic on such conditions as it may determine;

- (b) for the payment of legitimate claims arising from a guarantee, an indemnity or a security furnished by or accruing to the Province; and
- (c) for the refund of money inadvertently or incorrectly paid into the Exchequer Account.

(2) The moneys utilized under subsection (1) for specific purposes, shall be deemed to have been appropriated for such purposes.

(3) The responsible Member as defined in section 22(7), shall as soon as practicable lay upon the table in the Provincial Legislature a statement reflecting the utilization of moneys in terms of subsection (1)(b).

Authority for opening of bank accounts

11. (1) An account in respect of Revenue may only be opened on the written authority of the Treasury at a bank and where an account has been so opened, the relevant bank, subject to section 157(2) of the Constitution, shall not allow the account to be overdrawn.

(2) The Treasury shall annually revise the allocation of banking accounts to a bank in respect of the Exchequer Account and Paymaster-General Account in consultation with the South African Reserve Bank.

Establishment of trading and related accounts

12. (1) The Treasury may authorize an accounting officer to establish trading and related accounts in respect of services and goods supplied by the Province to itself or any other institution.

(2) Expenditure in respect of the supply of services and goods referred to in subsection (1), as determined by the Treasury, shall be financed from moneys in the accounts—

- (a) which have been appropriated by the Provincial Legislature;
- (b) which, notwithstanding anything to the contrary in this Act or any other law contained, have been received in payment for services and goods referred to in subsection (1);
- (c) which have been obtained from the sale of redundant and unserviceable supplies related to the supply of the services and goods in question;
- (d) which have been obtained with the concurrence of the Treasury from any other source.

(3) The Revenue Account shall be credited with any profit at the end of a financial year and any loss shall be made good from appropriated moneys.

System of bookkeeping and accounting

13. The Treasury shall, after consultation with the Auditor-General, give guidance, in such manner as it deems necessary, to accounting officers in connection with the systems of bookkeeping and accounting to be followed by them and may prescribe particular systems of bookkeeping and accounting which accounting officers shall follow.

Accounting for Exchequer Account, and preparation of statements

14. (1) The Treasury shall account for the Exchequer Account and shall keep such accounts and records as are necessary to exercise proper control over the Revenue Fund.

(2) The Treasury shall as soon as practicable after the end of each month, cause statements to be published in the *Provincial Gazette* showing the receipts into and transfers from the Exchequer Account during the period from the first day of the relevant financial year to the end of that month as well as the balances in the Exchequer Account at the beginning and at the end of such period.

(3) As soon as practicable after the accounts in respect of any financial year have been closed, but in any case within five months after the closing of a financial year, the Treasury shall prepare statements, as prescribed by the National Treasury, of—

- (a) the Exchequer Account;
- (b) the Revenue Account;
- (c) the Paymaster-Generals' Account;
- (d) the Provincial debt and the amount of debt created and redeemed during the financial year;
- (e) the interest and dividends received in the accounts of the Revenue Fund and the interest paid on the Provincial debt;
- (f) all other moneys controlled by the Treasury.

(4) The Treasury shall within the period referred to in subsection (3), also prepare statements, in support of the Revenue Account in respect of the Financial year in question, of the receipts under the various headings shown in the estimates of Revenue and of the transfers from the Exchequer Account of each of the votes shown in any appropriation Act for that year.

(5) The Treasury shall transmit the statements referred to in subsections (3) and (4) to the Auditor-General for examination as soon as they have been prepared.

Appropriation Accounts

15. (1) An accounting officer shall as soon as possible, but not later than four months after the closing of a financial year, prepare and transmit to the Auditor-General for examination, an appropriation account in respect of such year and in respect of each vote under his or her control and shall at the same time send a copy thereof to the Treasury: Provided

that the Auditor-General may, in any case where in his or her opinion it is justifiable, grant extension for the submission of the required account, for such period as in his or her opinion is necessary for the completion thereof.

(2) In an appropriation account an accounting officer shall in respect of each main division of a vote specify—

- (a) on the receipt side thereof the amount appearing for the financial year in question—
 - (i) in the estimate of expenditure and adjustments estimate; and
 - (ii) authorizations granted in terms of section 7 which have not been appropriated in terms of subsection (2) of that section: Provided that it is clearly distinguished between the receipts referred to in paragraph (1) and this paragraph;
- (b) on the expenditure side thereof the amount actually expended during the same period: Provided that the amount of any advance by an accounting officer to defray expected expenditure which is not supported by acceptable expenditure vouchers, shall not be included on the expenditure side.

(3) Each appropriation account rendered to the Auditor-General shall be accompanied by—

- (a) explanations of the causes of variation, in excess of two per cent, between expenditure and the amount contemplated in subsection (2)(a);
- (b) an indication of the amount of any surplus to be surrendered or of any deficit;
- (c) a statement to the effect that the preceding financial year's surplus, if any, has been surrendered;
- (d) an indication of the aggregate of any balance in a suspense account which may be chargeable to the vote.

(4) Appropriation accounts and particulars furnished in terms of this section, shall be signed by the accounting officer.

(5) (a) Whenever a person is charged under section 17(1) with the responsibility of accounting for State moneys and State property in respect of any particular portion of a vote, the particulars relating to that portion shall be dealt with separately in the appropriation account in respect of the vote in question.

(b) A person referred to in paragraph (a), shall furnish the accounting officer concerned with sufficient particulars so as to enable him or her to comply with the provisions of subsections (1), (2) and (3).

Accounting officer

16. (1) (a) Subject to the provisions of paragraph (b) the Director General, appointed in terms of the Public Service Act, 1994, for the Province, shall be the accounting officer.

(b) The Premier can designate an officer as an accounting officer for a particular vote.

(2) An accounting officer shall exercise the powers conferred upon him or her and perform the duties assigned to him or her by law, by financial regulations, by Treasury Instructions or by the Treasury.

(3) Unless otherwise directed by the Treasury, the accounting officer for a statutory body for which no accounting officer has been designated under the provisions of any other law, shall be the chief executive officer of such statutory body.

(4) During the absence of an accounting officer his or her powers shall be exercised and his or her duties performed by the officer acting in his or her place.

Responsibility of accounting for State moneys and State property by a person who is not an accounting officer

17. (1) The Treasury may notwithstanding the provisions of section 16 charge a person who is not an accounting officer with the responsibility of accounting for—

- (a) State moneys received and paid out by that person;
- (b) State property acquired, received, kept or disposed of by that person, in connection with a trading and related account, established under section 12(1), or a particular portion of a vote whereof accounts are kept separately.

(2) Whenever a person is charged under subsection (1) with the responsibility of accounting for State moneys and State property in respect of a trading and related account or any particular portion of a vote, the Treasury may assign to such person any or all of the powers and duties referred to in section 16(2) which an accounting officer may exercise or is required to perform in respect of such trading and related account or portion of a vote.

(3) A power or duty assigned to a person under subsection (2), shall be exercised or performed by such person in respect of the said trading and related account or portion of a vote to the exclusion of the accounting officer responsible for the vote of which that trading and related account or portion forms part.

(4) Whenever a person referred to in subsection (1) is absent, his or her powers shall be exercised and his or her duties performed by the person acting in his or her place.

CHAPTER II

GENERAL FINANCIAL CONTROL

Other powers of the Treasury

18. (1) Subject to the provisions of this Act and any other law, the Treasury shall have the power to—

- (a) give guidance in, and exercise control over, State moneys and other State property to bring about the systematic and orderly management thereof and to promote efficiency and economy in the utilization thereof;
- (b) direct that such expenditure charged against the Revenue Account, as it may determine, shall not be incurred without its approval having been obtained;
- (c) approve fees or other charges or the rates, scales or tariffs of fees or other charges not fixed or capable of being fixed by or in terms of any law and relating to Revenue accruing to or expenditure from the Revenue Fund, and to direct that no such fee or charge or rate, scale or tariff thereof shall be introduced before the approval of the Treasury has been obtained;
- (d) grant approval for the rendering of a free service;
- (e) grant approval for the write-off of a loss of State money and other State property;
- (f) grant approval for the variation or cancellation of contracts to the detriment of the State;
- (g) require accounting officers to submit particular inputs in respect of budget matter to it, and in respect of such inputs—
 - (i) to analyze them and make recommendations thereabout to the responsible Member;
 - (ii) to make them or processed information thereof available to the National Treasury on its request;
- (h) require any accounting officer to submit to it information, returns, documents, explanations and motivations in regard to any matter affecting State moneys or other State property of the Province;
- (i) grant approval for the settlement of a claim by or against the Province or for the waiver of a claim by the Province;
- (j) authorize or condone non-compliance by an accounting officer with an instruction or other written request, stipulation or condition of the Treasury in connection with any matter;
- (k) investigate, prescribe and inspect systems for the control over, and administration of State moneys and other State property of the Province and prescribe additional systems, other than those referred to in section 13;

- (l) determine against which vote or sub-division thereof expenditure on a service should be charged;
 - (m) determine the terms and conditions on which Revenue due to the Province may be paid and on which State moneys of the Province may be disbursed;
 - (n) approve remissions, as an act of grace, of moneys due to the Province;
 - (o) approve refunds of Revenue to the Province as an act of grace;
 - (p) approve payments, as an act of grace, from State money of the Province;
 - (q) approve gifts of State moneys of the Province and other movable State property of the Province or the acceptance of gifts to the Province;
 - (r) approve the alienation, letting or other disposal of movable State property of the Province;
 - (s) afford guidance in the handling of and exercise control over all trust money and trust property temporarily deposited or left in the care of an accounting officer or other person in the service of the province;
 - (t) give guidance in the application of norms and standards prescribed by the National Treasury in respect of improvements to immovable property financed in full or in part from the Revenue Fund;
 - (u) approve acceptance of sponsorships to the Province: Provided that when the amount involved in any case contemplated in paragraph (n), (o), (p), or (q), other than any such case in connection with movable State property, exceeds R100 000 or relates to a tax, other duty or impost by law, such remission, refund, payment or gift shall not be made unless moneys for the purpose have been appropriated by the Provincial Legislature: Provided further that if, in the opinion of the Provincial Treasury, the circumstances connected with the payment of any such tax, other duty or impost justify a refund as an act of grace of the whole or a portion of the amount in question, the Treasury may approve such refund to an amount, not exceeding R100 000 as a charge against the vote concerned.
- (2) The Treasury may in its discretion approve the write-off of the whole or any portion of an amount owing to the Province by a person, if it is satisfied that—
- (a) the amount is irrecoverable;
 - (b) recovery of the amount would be uneconomical;
 - (c) recovery of the amount would cause undue hardship to the debtor or his or her dependants because they are deprived of the minimum essential means of livelihood;

- (d) the assets of the debtor or of the estate of the debtor, if he or she is deceased (whether or not such assets are pledged to the State), are indispensable to his or her dependants or are of relatively little value, and the debtor or his or her estate, as the case may be, is unable to pay the amount or any portion thereof, except by the disposal of such assets and such disposal would cause undue hardship; or
- (e) it would be to the advantage of the Province to effect a settlement of its claim in question or to waive such claim.

(3) Whenever a power is conferred by any law to determine any rate, scale, tariff, fee or charge for the purposes of any revenue accruing to, or expenditure from, the Revenue Fund, such a determination shall, notwithstanding the provisions of such law, not be made before the approval of the Treasury thereof has been obtained: Provided that the provisions of this subsection shall not apply to any tax or such a determination by the Premier.

(4) Where a voucher or other proof of receipt or payment is in any way defective or has been lost or destroyed and—

- (a) the Treasury in the case of accounts of accounting officers and other persons in the service of the Province;
- (b) subject to the provisions of any other law, the executive authority of a statutory body, in the case of such accounts of such statutory body, is satisfied with the explanation of the responsible person, the Treasury, or the executive authority of a statutory body, as the case may be, may make an order dispensing with the production of a voucher or such other proof or may make such other order as may appear just in the circumstances.

Delegation of powers of the Treasury

19. (1) The Treasury may on such conditions as it may determine, delegate to an accounting officer any power conferred upon it by section 18(1) and (2) or 21(5).

(2) Where the Treasury has delegated any power under subsection (1), it may authorize the accounting officer concerned to further delegate that power to the holder of any post designated by the Treasury.

(3) An accounting officer shall not be divested of any power delegated by him or her or under his or her authority and may amend or withdraw any decision made in the exercising of that power.

(4) The Treasury shall not be divested of a power delegated by it or under its authority and may amend or withdraw any decision made in the exercising of such power, including a decision of an accounting officer whereby a decision contemplated in subsection (3) is amended or withdrawn.

(5) Where any power has been delegated to the holder of a post, that power may be exercised by the person who for the time being performs the functions attached to such post.

Unauthorized expenditure

20. (1) An expenditure concerned shall be unauthorized if—

- (a) a payment is made by an accounting officer without provision having been made therefor by or by virtue of the provisions of any law;
- (b) a payment or part of a payment on a service authorized by an appropriation Act results in—
 - (i) the total amount appropriated for the vote concerned, regard being had to any increase referred to in section 6(2), being exceeded;
 - (ii) a prohibition, by virtue of the provisions of section 5(3), on the expenditure being brought to account as a final debit, or
 - (iii) the amount shown in "Column 2" of the schedule to an appropriation Act in respect of a service being exceeded and an authority referred to in section 7(1)(b)(ii) has not been obtained, or an increase referred to in section 6(2) has not been made therefor;
- (c) an accounting officer is unable to produce to the Auditor-General in respect of a payment an appropriate Treasury authority required in terms of the provisions of this Act or any other law;
- (d) an accounting officer makes a payment inconsistent with a provision of any law.

(2) Unauthorized expenditure contemplated in subsection (1) shall not form a charge against the Revenue Fund until—

- (a) in the case of paragraph (a), (b) or (c) of that subsection, the expenditure concerned has been authorized by law of the Provincial Legislature; or
- (b) in the case of paragraph (d) of that subsection, the expenditure concerned has been validated by law of the Provincial Legislature.

(3) Unauthorized expenditure or any part thereof determined by the Provincial Legislature which has not been authorized or validated as contemplated in subsection (2), shall, if the accounting officer cannot or is unwilling to recover the amount concerned from the beneficiary or the person responsible for the unauthorized expenditure, be recovered by the Treasury from the accounting officer.

(4) The provisions of paragraphs (a), (c) and (d) of subsection (1) shall *mutatis mutandis* apply in respect of a statutory body unless otherwise provided by law, and for the purposes of paragraph (c) a reference to Treasury authority shall be construed as a reference also to an authority of a Member of the Executive Council, or an executive authority or any other applicable authority, as the case may be.

(5) Unauthorized expenditure referred to in subsection (4) or any part thereof determined by the Provincial Legislature shall not form a charge against a fund or account concerned until it has been authorized, validated or made available in accordance with the normal budgetary procedure applicable to the fund or account concerned: Provided that any unauthorized expenditure which has not been authorized or validated shall not be recovered from the accounting officer if he or she cannot or is unwilling to recover the amount concerned from the beneficiary or the person responsible for the unauthorized expenditure.

Recovery of losses and damages

21. (1) If a person who is or was in the employ of the Province and caused the Province a loss or damage because he or she—

- (a) failed to collect State moneys for the collection of which he or she is or was responsible;
- (b) is or was responsible for an irregular payment of State moneys or for a payment of such moneys not supported by a proper voucher;
- (c) is or was responsible for fruitless expenditure of State moneys due to an omission to carry out his or her duties;
- (d) is or was responsible for a deficiency in, or for the destruction of, or damage to State moneys, stamps, face-value documents and forms having a potential value, securities, equipment, stores or any other State property;
- (e) due to an omission to carry out his or her duties or in any other manner, is or was responsible for a claim against the Province, the accounting officer concerned or the holder of a post designated by the Treasury shall determine the amount of such loss or damage or the amount necessary to replace State property in which there is a deficiency or which was destroyed, as prescribed by the Instructions and, subject to the provisions of subsection (5), order, by notice in writing, the said person to pay to him, within thirty days from the date of such notice, the amount so determined.

(2) If a person who is in the employ of the Province and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (6) and (7), be deducted from his or her monthly salary: Provided that such deduction shall not in any month exceed one fourth of his or her monthly salary, unless such a person agrees, in writing, that a larger amount may be deducted.

(3) If a person who was in the employ of the Province and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the accounting officer concerned shall, subject to the provisions of subsections (4), (6) and (7) recover such amount from the person concerned by legal process.

(4) If a person who has been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the accounting officer, or the holder of a post designated by the Treasury, may allow payment in such instalments as he or she may consider reasonable: Provided that if the redemption of the amount in terms of the offer will not be effected within a period of twelve months, calculated from the date on which the first instalment is payable, the approval of the Treasury shall be obtained for the payment thereof over a period in excess of the period mentioned, and the Treasury may determine the other terms and conditions subject to which the amount shall be paid.

(5) If for any reason whatsoever, an accounting officer, or the holder or a post designated by the Treasury, is of the opinion that an amount determined in terms of subsection (1) should not be recovered or should be recovered in part only from the person responsible therefor, he or she may request the Treasury to exempt that person from payment of the whole or a portion of such amount, and the Treasury may in its discretion approve of the whole or a portion of such amount not being recovered.

(6) A person who has in terms of subsection (1) been ordered to pay an amount may, within a period of thirty days from the date of such order, in writing request the accounting officer concerned, stating the grounds for his or her request, that a request as contemplated in subsection (5), be addressed to the Treasury, and if the accounting officer concerned refuses to address such a request to the Treasury or if the Treasury refuses to approve, as contemplated in the said subsection, of the whole or a portion of the amount in question not being recovered as requested, such person may within thirty days after he or she has been notified in writing of any such refusal, appeal against such refusal to the responsible Member, and the responsible Member may, after such further investigation as he or she may deem necessary, dismiss the appeal or order that the appellant be exempted either wholly or partly, according as he or she may consider fair and reasonable, from the payment of such amount.

(7) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the responsible Member under subsection (6), apply within a period of thirty days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer concerned on the merits of the case that the order was rightly made or that that amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

(8) If an amount is in terms of subsection (5), (6) or (7) reduced, the reduced amount shall *mutatis mutandis* be recovered in accordance with the provisions of subsection (1), (2), (3) and (4).

Guarantees in respect of loans

22. (1) If a responsible Member in the Executive Council and, if he or she is not the Member of the Executive Council responsible for financial affairs, also the Member of the Executive Council responsible for financial affairs, is convinced that the provisions of subsection (3) have been complied with, the said responsible Member, with the concurrence of the Member of the Executive Council responsible for financial affairs, if he or she is not such responsible Member, and after the provisions of section 157(3) of the Constitution have been complied with, may, from time to time, subject to the conditions of subsection (3) and the conditions which he or she may with the concurrence of the Member of the Executive Council responsible for financial affairs, if he or she is not such responsible Member, determine, including the waiver of such legal exception as he or she may deem fit, furnish a guarantee in respect of the financial obligations arising from a loan granted or to be granted by a local government or by a board or body established by or under any law, hereinafter referred to as a body corporate, situated within the Province.

(2) A guarantee which is to be furnished in terms of subsection (1) can only be considered by the responsible Member and, if he or she is not the Member of the Executive Council responsible for financial affairs, also by the Member of the Executive Council responsible for the financial affairs, if the application for such a guarantee is accompanied by a written recommendation for the furnishing of such a guarantee by the executive authority of the local authority or body corporate to which the guarantee is to be furnished, as the case may be.

(3) A guarantee furnished in terms of the provisions of subsection (1) must comply with the conditions that—

(a) the proceeds of the loan so guaranteed—

- (i) shall be employed in the public interest within the area under its jurisdiction by the local government in respect of whose loan a guarantee is to be furnished or within the area of the Province or part thereof, by the body corporate;
- (ii) shall not be employed for the financing of current expenditure;
- (iii) shall, in the case of a guarantee granted in respect of a loan by a local government, be employed in accordance with the provisions of any law passed in the Province covering borrowing of money by a local government; and
- (iv) will be accounted for separately by the local government or body corporate concerned, as the case may be;

(b) the responsible Member, on the basis of information supplied to him or her by the executive authority of the local government or body corporate concerned, as the case may be, shall satisfy himself or herself as to the fact that—

- (i) the funds which are required can not be obtained by means other than a guaranteed loan;

- (ii) no reasonable doubt exists that the local government or body corporate concerned will be able to comply with the conditions and obligations under which the loan will be granted;
 - (iii) the provisions of the loan agreement concerned —
 - (aa) comply with the generally accepted principles of loan agreements;
 - (bb) will be legally and technically correct; and
 - (cc) will fully enunciate the obligation of the Province which will act as guarantor and the manner in which expenditure the Province may have to incur in terms of the guarantee, will be recovered;
 - (iv) taking into account the fact that a guarantee for the loan is required, the cost of the loan is marked related;
 - (v) the availability of the loan proceeds will not be prejudicial to financial discipline within the local government or the body corporate concerned.
- (4) The payment by the Province which acts as guarantor of legitimate claims arising from a guarantee furnished in terms of the provisions of subsection (1) —
- (a) shall be deemed to have been appropriated for such purposes; and
 - (b) shall be reported to the Provincial Legislature by the responsible Member as soon as possible, but not later than six months after such payment was made, and he or she shall simultaneously present to the said legislature a report containing the circumstances relating to such payment.
- (5) The Member of the Executive Council responsible for the financial affairs of the Province shall as soon as possible but in any case no later than six months after the closing of the financial year, cause a statement to be published in the *Provincial Gazette* indicating in respect of each guarantee furnished by the Province in terms of subsection (1), the name of the local government or body corporate in respect of which a guarantee has been furnished, the amount of the commitments which may ensue from each such guarantee, and, if foreign currency is so involved, the relative amount and the financial year in which the relevant guarantee will expire.
- (6) Notwithstanding anything to the contrary in this Act or any other law, a guarantee by a Province in respect of the financial obligations arising from a loan shall be furnished only in terms of this section and subject to the provisions of section 157(3) of the Constitution.

(7) A reference to "responsible Member" in this section, shall be deemed to be a reference to the Member of the Executive Council responsible for the administration of a portfolio which is directly or indirectly involved with the matter underlying the expenditure of the proceeds of the loan in respect of which a guarantee was furnished in terms of subsection (1), and if there is doubt as to who the responsible Member is, the Member of the Executive Council concerned shall be determined by the Member of the Executive Council responsible for financial affairs.

Application of certain provisions concerning powers of responsible Member, and delegation of his or her powers

23. (1) Whenever a law requires a Member of the Executive Council to do anything in or after consultation with or with the concurrence of the responsible Member, such requirement shall, unless one of the Members concerned has otherwise directed, be deemed to have been complied with if consultation has taken place between the accounting officers concerned or their representatives.

(2) Except in a case to which subsection (1) applies, the responsible Member may delegate to an officer in the component in which the provisions of this Act or any other law are administered by him or her, any power or function conferred on or assigned to him or her by this Act or such other law, in relation to the revenue, expenditure or property of the Province or a statutory body, with the exception of a power to make regulations and a power or function contemplated in section 4(3), 7, 21(6) and 24(3), but shall not thereby be divested of a power or function so delegated, and may amend or withdraw a decision of such an officer by virtue of any such delegation.

Regulations

24. (1) The responsible Member may make regulations—

- (a) prescribing further duties and responsibilities of accounting officers;
- (b) providing for the designation of officers as principal provincial receivers and provincial receivers of Revenue and prescribing their duties and responsibilities as such;
- (c) providing for the refund from current revenue of moneys collected in error;
- (d) providing for the designation of officers or other persons as financial managers and of officers as accountants and prescribing their duties and responsibilities as such;
- (e) prescribing a system which shall be observed in regard to the collection, receipt, banking, custody, disbursement, control over and accounting for, and disposal of and supervision over State moneys and the accounts kept in connection therewith;
- (f) prescribing the conditions under which gifts to the Province may be accepted and utilized;

- (g) providing for the control over and stocktaking of securities, stamps and other State property;
- (h) providing for the manner in which and procedures according to which accounting officers and the Treasury shall exercise the powers and perform the duties assigned to them by this Act;
- (i) providing for the financial arrangements regarding a service rendered by one component to another;
- (j) providing in general for the administration of the provisions and the achievement of the objects of this Act;
- (k) providing for the establishment of audit committees and internal audit committees.

(2) Different regulations may under subsection (1) be made in respect of different categories of State moneys or other State property, or different categories of persons entrusted with the collection, receipt, banking, custody, disbursement, disposal and control of, accounting for and supervision over State moneys and other State property.

(3) The responsible Member may, if in his or her opinion circumstances warrant it, provide that a regulation made under subsection (1) need not be complied with or need not be complied with to the extent determined by him or her.

(4) The regulations issued in terms of a national exchequer act, shall *mutatis mutandis* apply to the Province until replaced or amended by Regulations issued by the responsible Member.

Instructions

25. (1) The Treasury may from time to time issue Instructions and other directives, which shall not be inconsistent with the Regulations, in regard to—

- (a) any matter mentioned in section 18;
- (b) any matter mentioned in section 24;
- (c) the manner in which accounting officers shall make submissions to the Treasury and the persons by whom such submissions shall be signed;
- (d) the administration in general, of the provisions of this Act and the Regulations and the achievement of the objects thereof.

(2) The Treasury may, if in its opinion circumstances warrant it, approve a departure from an Instruction.

(3) Treasury Instructions issued in terms of a national exchequer act, shall *mutatis mutandis* apply to the Province, until replaced or amended by Instructions issued by the Treasury.

Revenue Instructions

26. An officer designated as principal provincial receiver of Revenue may, from time to time, and shall whenever required by the Treasury to do so, issue to all persons who are responsible for the collection, control and disposal of any revenue in respect of which he or she is the principal provincial receiver, or of such other revenues as the Treasury may determine, such instructions (entitled Revenue Instructions) as the Treasury may approve, or require him or her to issue in regard to such collection, control and disposal.

CHAPTER III**SHORT TITLE****Short title**

27. This Act shall be called the Northern Transvaal Exchequer Act, 1994.

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 4**7 Oktober 1994**

Hierby word bekendgemaak dat die Premier die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

No. 3 van 1994: Noord-Transvaal Skatkiswet, 1994.

WET

Om voorsiening te maak vir die reëling van die invordering, ontvangs, beheer, bewaring en uitbetaling van Staatsgeld en die ontvangs, bewaring en beheer van ander Staatsgoed; die pligte en bevoegdhede van die Tesourie; die verstrekking van waarborge, vrywarrings en sekuriteite; en aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Premier onderteken)
(Bekragtig op 6 Oktober 1994)

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van Noord-Transvaal, soos volg:—

Woordomskrywing

1. (1) Tensy uit die samehang anders blyk beteken in hierdie Wet en in regulasies en instruksies daarkragtens uitgereik—

“aansuiweringsbegroting” ’n begroting van uitgawes uit die Provinsiale Inkomstefonds wat aan die Provinsiale Wetgewer voorgelê word ten opsigte van uitgawes aan die dienste van die Provinsie en wat beperk word tot—

- (a) die verskuiwing van fondse tussen en binne begrotingsposte;
- (b) herbewilliging van geld wat in die voorafgaande boekjaar deur die Provinsiale Wetgewer bewillig is, maar nie bestee is nie;
- (c) bewilliging van geld vir die dienste van die Provinsie ten opsigte waarvan geen of onvoldoende geld in die betrokke boekjaar bewillig is en wat slegs bewillig kan word—
 - (i) uit geld verkry uit die verkoop van bates van die Provinsie.
 - (ii) as gevolg van ’n magtiging uitgereik kragtens artikel 7;

- (iii) ten opsigte van uitgawes wat reeds deur die verantwoordelike Lid in sy toespraak tydens die tertafellegging van die Begrotingswet in die Provinsiale Wetgewer aangekondig is; of
- (iv) ten opsigte van uitgawes wat deur Tesourie as onvoorsien en onvermybaar beskou word; of
- (d) enige ander verstelling of aansuiwering aan 'n Begrotingswet wat van krag is in die betrokke boekjaar en wat volgens die Tesourie nodig is; en
- (e) bykomende voorwaardelike en onvoorwaardelike toekennings deur die Parlement;

“appropriasierekening” ’n rekening vermeld in artikel 15;

“Bank” bank vermeld in die Bankwet, 1990 (Wet No. 94 van 1990);

“begroting van uitgawes” ’n begroting van verwagte uitgawes uit die Provinsiale Inkomstefonds aan die dienste van die Provinsie gedurende ’n boekjaar wat aan die Provinsiale Wetgewer voorgelê word, en wat besonderhede bevat van die doeleindes waarvoor die geld wat in ’n Begrotingswet bewillig word, aangewend moet word, en ook ’n begroting van aanvullende uitgawes aan sodanige dienste gedurende daardie boekjaar ten opsigte waarvan dit nodig geag word om voorsiening te maak nadat eersgenoemde begroting aan die Provinsiale Wetgewer voorgelê is, maar voordat dit goedgekeur is;

“begrotingspos” ’n begrotingspos aangetoon in ’n bylae by ’n Begrotingswet;

“Begrotingswet” ’n Wet waarby ’n begroting van uitgawes of aansuiweringsbegroting, ten laste van die Provinsiale Inkomsterekening deur die Provinsiale Wetgewer goedgekeur is;

“Betaalmeester-generaalrekening” die rekening vermeld in artikel 9(1);

“boekjaar” die tydperk wat strek vanaf 1 April in ’n jaar tot 31 Maart in die daaropvolgende jaar;

“die Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

“die verantwoordelike Lid” die Lid van die Uitvoerende Raad van die Provinsie belas met finansiële aangeleenthede;

“hierdie Wet” sluit ook in enige regulasies of instruksies daarkragtens uitgereik;

“Inkomste” alle geld ontvang by wyse van belasting, heffings of regte, hetsy direk of as oordragte uit die Nasionale Inkomstefonds, en alle toevallige en ander ontvangste van die Provinsie, uit watter bron ook al afkomstig, waaroor die Provinsiale Wetgewer bewilligingsbevoegdheid besit, en ook geld ingevolge die bepalings van ’n Wet geleen, maar nie ook die bedrag van ’n boete van hoogstens R50 deur ’n geregshof aan iemand opgelê, vir sover daardie bedrag nie betaal is nie, of inkomste wat die Nasionale Inkomstefonds of enige ander provinsiale inkomstefonds toeval nie;

“Inkomstefonds” die fonds by artikel 159 van die Grondwet ingestel;

“Inkomsterekening” die rekening vermeld in artikel 2;

“Instruksie” ’n Instruksie deur die Tesourie kragtens artikel 25 uitgevaardig;

“krediet” ’n toewysing van ’n bedrag in die Betaalmeester-generaal-rekening aan ’n rekenpligtige beampte;

“Nasionale Tesourie” die nasionale finansiële gesag in die Staatsdiens wat gesetel is in die Departement van Staatsbesteding vermeld in die Staatsdienswet, 1994, en wie se bevoegdhede met betrekking tot die een of ander aangeleentheid uitgeoefen word deur die Minister van Finansies of ’n beampte in daardie departement wat, uit hoofde van die indeling van werk in daardie departement, met daardie aangeleentheid handel;

“Ouditeur-generaal” die persoon wat ingevolge artikel 191(2) van die Grondwet aangestel is;

“Provinsiale skuld” geld wat ingevolge ’n wet deur die Provinsie geleen is of wat kragtens artikel 239 van die Grondwet die Provinsie toeval en uit die Provinsiale Inkomstefonds terugbetaal moet word;

“Regulasie” ’n Regulasie deur die verantwoordelike Lid kragtens artikel 24 uitgevaardig;

“Skatkisrekening” die rekening vermeld in artikel 3(1);

“rekenpligtige beampte” ’n persoon bedoel in artikels 16 en 17;

“Staatsgeld”—

(a) alle Provinsiale inkomste; en

(b) alle ander geld hoegenaamd wat deur ’n rekenpligtige beampte vir of op rekening van die Provinsie ontvang is of gehou word;

“Staatsgoed” enige eiendom van die Provinsie, die beskikking waarvoor nie by ’n ander wet gereël word nie;

“standaardrentekoers” die rentekoers ingevolge ’n nasionale skatkiswet, bepaal;

“statutêre liggaam” enige plaaslike owerheid, raad, fonds, instelling, maatskappy, korporasie of ander organisasie wat gestig of saamgestel is by of kragtens ’n wet ingevolge waarvan finansiering uit ’n Inkomsterekening gedoen kan word of waarvan die rekenings deur die Ouditeur-generaal geouditeer moet word;

“Tesourie” die provinsiale finansiële gesag in die Provinsie wat gesetel is in die komponent verantwoordelik vir finansiële aangeleenthede, en wie se bevoegdhede met betrekking tot die een of ander aangeleentheid uitgeoefen word deur die verantwoordelike Lid of ’n beampte in daardie komponent wat, uit hoofde van die indeling van werk in daardie komponent, met daardie aangeleentheid handel;

“trustgeld” geld deur ’n rekenpligtige beampte of ander persoon in diens van die Provinsie gehou ten behoeve van ’n persoon of instansie, welke geld nie Staatsgeld is nie;

“trustgoed” goed deur ’n rekenpligtige beampte of ander persoon in diens van die Provinsie gehou ten behoeve van ’n persoon of instansie, welke goed nie Staatsgoed is nie.

(2) ’n Verwysing in ’n wet na die Staatsinkomstefonds ten opsigte van ’n bevoegdheid wat aan die Provinsie opgedra is of in die Provinsie vestig, word geag ’n verwysing na die Inkomstefonds te wees vir sover daardie bevoegdhede aan die Provinsie opgedra is of in die Provinsie vestig.

HOOFSTUK I

INKOMSTE, UITGAWES EN REKENINGSTELSEL

Rekening van Inkomstefonds

2. Die Tesourie maak in sy boeke ten opsigte van die Inkomstefonds voorsiening vir 'n Inkomsterekening wat gekrediteer word met alle Inkomste wat dit toeval ingevolge hierdie Wet of enige ander wet, en waaruit alle uitgawes bestry en bedrae betaal word waarmee dit ingevolge hierdie Wet of 'n ander wet belas word.

Die Skatkisrekening

3. (1) (a) Die Tesourie moet by 'n Bank 'n rekening met die naam "die Rekening van die Skatkis van die Provinsie" hou waarin alle inkomste gestort word.

(b) Sodanige stortings moet op elke toepaslike werkdag geskied.

(2) Die Bank moet op elke toepaslike werkdag aan die Tesourie opgawes verstrek in die vorm wat die Tesourie bepaal van inkomste wat in die Skatkisrekening gestort is.

(3) Die Tesourie kan die geld in die Skatkisrekening aanwend om uitgawes te bestry waarmee die rekening vermeld in artikel 2 belas moet word.

(4) Die Tesourie moet, behoudens die bepalings van hierdie Wet, sorg dra dat daar te alle tye voldoende geld in die Skatkisrekening is om ooreenkomstig artikel 9 (1) oorgedra te kan word.

Bewilliging van geld in die Inkomstefonds, en begroting van uitgawes en beraming van Inkomste

4. (1) Die geld in die Inkomstefonds word deur die Provinsiale Wetgewer ten laste van die Inkomsterekening by 'n Begrotingswet of 'n ander wet vir die behoeftes van die Provinsie bewillig: Met dien verstande dat tot tyd en wyl voorsiening in 'n Begrotingswet vir die behoeftes gedurende 'n boekjaar gemaak is, daardie geld geag by 'n wet vir daardie behoeftes bewillig te wees, onderworpe aan die volgende beperkings:

- (a) ten opsigte van die eerste vier maande van die betrokke boekjaar, hoogstens 45 persent van; en
- (b) ten opsigte van elke daaropvolgende maand, hoogstens 10 persent van; en
- (c) in totaal, hoogstens die bedrag wat die Provinsiale Wetgewer vir die onmiddellik voorafgaande boekjaar, by 'n Begrotingswet bewillig het.

(2) Uitbetalings uit hoofde van die voorbehoudsbepaling by subartikel (1) word geag uitbetalings te wees uit hoofde van die Begrotingswet vir die betrokke boekjaar, en wel ten laste van die Inkomsterekening.

(3) Geld wat geag word bewillig te wees soos beoog in die voorbehoudsbepaling by subartikel (1) moet slegs aangewend word vir dienste ten opsigte waarvan uitgawes gedurende die onmiddellik voorafgaande boekjaar by Begrotingswet gemagtig is, of ten opsigte waarvan daar 'n ander magtiging kragtens 'n ander wet is.

- (4) By die toepassing van hierdie artikel waar—
- (a) die Provinsie nie 'n Begrotingswet kon aanneem nie omdat dit nog nie beslag gekry het nie; of
 - (b) bepaalde funksies aan die Provinsie opgedra is nadat begrotingswette vir die voorafgaande boekjaar aangeneem is, word die totale bedrag waarop die betrokke persentasies gebaseer word in die geval beoog in paragraaf (a), bepaal deur die verantwoordelike Lid, en in die geval beoog in paragraaf (b) word die totale bedrag van 'n Begrotingswet van die voorafgaande boekjaar verhoog met die voljaarkoste van funksies opgedra en word hierdie funksies vir doeleindes van subartikel (3) geag by die betrokke Begrotingswet ingesluit te gewees het.
- (5) Die verantwoordelike Lid—
- (a) moet vir iedere boekjaar, in die vorm wat die Minister verantwoordelik vir nasionale finansiële aangeleenthede bepaal, begrotings van inkomste en uitgawes wat uit die Inkomsterekening bestry moet word aan die Provinsiale Wetgewer voorlê; en
 - (b) kan 'n aansuiweringsbegroting wat aldus bestry moet word, aan die Provinsiale Wetgewer voorlê.

Duur van Begrotingswet en uitgawes in 'n boekjaar

5. (1) 'n Begrotingswet word nie so uitgelê nie dat dit magtiging verleen vir die besteding van geld wat daarby bewillig is, in 'n ander boekjaar as dié waarop dit uitdruklik betrekking het.

(2) Behoudens die bepalings van subartikel (3) en artikel 7 moet uitgawes in elke boekjaar aangegaan word in ooreenstemming met staande statutêre bewilligings en, ten opsigte van elke begrotingspos, in ooreenstemming met die hoofindelings daarvan, waarvan die besonderhede vervat is in die begroting van uitgawes en die aansuiweringsbegroting.

(3) Uitgawes aan 'n diens waarvoor geen of onvoldoende voorsiening in 'n Begrotingswet gemaak is, mag nie as 'n finale debiet teen 'n begrotingspos geboek word nie, tensy—

- (a) in die geval van onvoldoende voorsiening, 'n besparing onder 'n hoofindeling van die betrokke begrotingspos in daardie uitgawes aangewend kan word, tensy die Tesourie anders gelas; of
- (b) die verantwoordelike Lid 'n skriftelike magtiging vooraf ingevolge artikel 7 daarvoor verleen het.

Kolom 2-items

6. (1) Die bedrae wat in "Kolom 2" van 'n bylae by 'n Begrotingswet ten opsigte van 'n begrotingspos voorkom, mag behoudens die bepalings van artikel 7(1)(b)(ii), nie oorskry word nie, en besparings daarop kan, met die goedkeuring van die verantwoordelike Lid, aangewend word ter bestryding van ander uitgawes waarvoor 'n onvoldoende bewilliging onder daardie begrotingspos gemaak is.

(2) 'n Bedrag wat in "Kolom 2" van 'n bylae by 'n Begrotingswet ten opsigte van 'n begrotingspos voorkom, kan verhoog word met sodanige gedeelte van die geld wat bewillig is vir die Begrotingspos: Verbetering van diensvoorwaardes van die Provinsie as wat die rekenpligtige beampte in oorleg met die Tesourie bepaal.

Magtiging deur verantwoordelike Lid vir aanwending van geld onder sekere omstandighede

7. (1) Ondanks die bepalings van artikels 4 en 6, kan die verantwoordelike Lid magtiging verleen dat geld in die Inkomstefonds gedurende 'n boekjaar aangewend word—

- (a) ter bestryding van uitgawes van 'n besondere aard waarvoor nie in 'n Begrotingswet voorsiening gemaak is nie en wat nie sonder ernstige benadeling van die openbare belang uitgestel kan word nie totdat bewilliging daarvoor deur die Provinsiale Wetgewer gemaak kan word; of
- (b) ter bestryding van—
 - (i) uitgawes in verband met 'n verwagte oorskryding van 'n begrotingspos wat nie sonder ernstige benadeling van openbare belang uitgestel kan word nie totdat bewilliging daarvoor deur die Provinsiale Wetgewer gemaak kan word; en
 - (ii) uitgawes in verband met 'n verwagte oorskryding van bedrae wat in "Kolom 2" van 'n bylae by 'n Begrotingswet voorkom: Met dien verstande dat die totale bedrag ten opsigte waarvan magtiging ingevolge hierdie artikel verleen mag word, op geen tydstip 'n bedrag gelykstaande aan twee persent van die totale bedrag wat bewillig is by die dan geldende Begrotingswet of wat beskikbaar is uit hoofde van die voorbehoudsbepaling by artikel 4(1), te bowe mag gaan nie.

(2) Stappe moet gedoen word, nie later nie as gedurende die eersvolgende sessie van die Provinsiale Wetgewer, vir die bewilliging van bedrae wat ingevolge subartikel (1) aangewend is of sal word.

(3) Die magtiging in subartikel (1) bedoel word slegs verleen indien dit voldoen aan die kriteria uiteengesit in die omskrywing van "aansuiweringsbegroting" in artikel 1(1).

Bevoegdheid van Tesourie om aangaan van uitgawes te beperk of op te skort

8. (1) Ondanks andersluidende bepalings van die een of ander wet, met inbegrip van 'n wet waarby geld vir die een of ander statutêre liggaam, fonds of rekening bewillig word, word die bewilliging by 'n Begrotingswet, of 'n magtiging verleen ingevolge artikel 7, uitgelê asof dit bloot die maksimum bedrag aangee wat vir die betrokke diens of doel aangewend mag word, en kan die Tesourie die uitbetaling van geld wat bewillig is of ten opsigte waarvan magtiging ingevolge artikel 7(1) verleen is, weerhou of opskort, indien omstandighede volgens die oordeel van die Tesourie sodanige weerhouding of opskorting wenslik maak.

(2) Die Tesourie moet aantekening hou van elke weerhouding of opskorting ingevolge subartikel (1) en moet die rekenpligtige beampte en die Ouditeur-generaal onverwyld van elke sodanige weerhouding of opskorting in kennis stel.

(3) 'n Bedrag waarvan betaling ingevolge subartikel (1) weerhou of opgeskort is, kan in die betrokke boekjaar vir 'n doel goedgekeur deur die Tesourie aangewend word.

(4) Die Tesourie moet aantekening hou, en die Ouditeur-generaal onverwyld in kennis stel, van elke goedkeuring ingevolge subartikel (3) verleen.

Rekening van Betaalmeester-generaal

9. (1) Die Tesourie hou by die Bank, benewens die Skatkisrekening, 'n rekening wat die Rekening van die Betaalmeester-generaal heet en kan soveel van die geld wat—

- (a) by wet bewillig is;
- (b) uit hoofde van die bepalings van artikel 7 vir die een of ander doel aangewend mag word; of
- (c) geag word by wet bewillig te wees,

as wat ingevolge artikel (3) aangevra is, uit die Skatkisrekening na die Betaalmeester-generaalrekening laat oordra.

(2) (a) Die Tesourie verleen uit die geld in die Betaalmeester-generaalrekening aan 'n rekenpligtige beampte, op aanvraag deur hom of haar, krediete waaruit betalings vir die dienste waarvoor hy of sy verantwoordelik is, deur hom of haar gedoen moet word.

(b) Die Tesourie kan die verlenging van krediete bedoel in paragraaf (a) beperk tot die bedrae wat volgens sy oordeel benodig word vir lopende betalings ten opsigte van die diens of doel waarvoor dit aangewend mag word.

(3) Die Tesourie verleen geen krediet nie ten opsigte van 'n bedrag waarvan uitbetaling ingevolge artikel 8(1) weerhou of opgeskort is, tensy 'n goedkeuring ingevolge artikel 8(3) verleen is.

(4) 'n Rekenpligtige beampte moet boekhou van alle krediete wat ingevolge subartikel (2) aan hom of haar verleen is, en van alle betalings daaruit gemaak.

(5) 'n Rekenpligtige beampte kan, benewens Staatsgeld, ander geld waarvoor hy of sy verantwoording moet doen, in die Betaalmeester-generaalrekening stort en kan uitbetalings uit daardie rekening doen.

(6) Die Tesourie hou, met betrekking tot die Betaalmeester-generaalrekening, vir elke rekenpligtige beampte 'n rekening ten opsigte van alle krediete, uitbetalings en onttrekkings.

(7) 'n Rekenpligtige beampte moet so spoedig doenlik na die afsluiting van sy of haar rekenings vir 'n boekjaar enige onbestede geld ten opsigte waarvan hy of sy krediete ingevolge subartikels (2) en (8) ontvang het, aan die Tesourie oorbetal vir terugstorting in die Skatkisrekening, en die Tesourie moet die Inkomsterekening daarmee krediteer.

(8) Indien dit na 31 Maart van 'n boekjaar blyk dat 'n rekenpligtige beampte se uitgawes aan dienste in daardie betrokke boekjaar die bedrag van die krediete wat deur die Tesourie ingevolge subartikel (2) aan hom of haar verleen is, moontlik sal oorskry, moet hy of sy, indien daar nog bewilligde fondse onder die betrokke begrotingspos vir daardie boekjaar beskikbaar is, so spoedig doenlik by die Tesourie 'n krediet aanvra om daardie verwagte oorskryding te dek, en die Tesourie kan op die wyse in subartikels (1) en (2) bepaal, die nodige krediet verleen en die betrokke geld in die volgende boekjaar laat oordra.

(9) 'n Rekenpligtige beampte moet die bedrag van sy of haar aanvrae om krediete by die Tesourie beperk tot die bedrae wat na sy mening noodsaaklik is om sy of haar lopende maandelikse uitgawes te bestry, en die Tesourie verleen, behoudens die bepalings van artikel 8(1), krediete vir sodanige bedrae en vir slegs sodanige bedrae.

(10) Die Tesourie beperk die bedrag van sy aanvrae om krediete by die Nasionale Tesourie ten opsigte van geld wat hom kragtens artikel 155(2)(c) van die Grondwet ten laste van die Nasionale Inkomsterekening toeval, tot bedrae wat noodsaaklik is om sy lopende uitgawes te bestry, en die Nasionale Tesourie verleen krediete vir sodanige bedrae.

(11) Ondanks andersluidende bepalings van hierdie artikel, kan die Tesourie op aanvraag deur die Sekretaris van die Provinsiale Wetgewer die geld wat vir die dienste van die Provinsiale Wetgewer bewillig is of uit hoofde van die bepalings van artikel 7 daarvoor aangewend mag word, of geag word by wet daarvoor bewillig te wees, aan genoemde Sekretaris oorbetal, en die Tesourie verleen vir dié doel krediete aan genoemde Sekretaris.

(12) Die Tesourie kan geld in die Betaalmeester-generaalrekening, wat volgens sy oordeel daarvoor beskikbaar is, tydelik aanwend—

- (a) om, op die voorwaardes wat hy bepaal, voorskotte aan 'n rekenpligtige beampte te gee;
- (b) om, vir die doel van die finansiering van verwagte tekorte op die Skatkisrekening, oordragte na daardie rekening te maak, en geld aldus oorgedra, word geag geld te wees wat ooreenkomstig die bepalings van 'n wet geleen is; en
- (c) vir tydelike belegging op die voorwaardes wat hy bepaal.

Tesourie se bevoegdheid om geld in die Skatkisrekening vir sekere doeleindes aan te wend

10. (1) Die Tesourie kan beskikbare geld in die Skatkisrekening aanwend—

- (a) vir tydelike belegging binne die Republiek op die voorwaardes wat hy bepaal;
- (b) vir die betaling van regmatige eise wat ontstaan uit hoofde van 'n waarborg, 'n vrywaring of 'n sekuriteit wat die Provinsie verstrekk of toegeval het; en
- (c) vir die terugbetaling van geld wat per abuis of verkeerdelik in die Skatkisrekening gestort is.

(2) Die geld wat kragtens subartikel (1) vir bepaalde doeleindes aangewend word, word geag vir dié doeleindes bewillig te wees.

(3) Die verantwoordelike Lid soos omskryf in artikel 22(7), moet in die Provinsiale Wetgewer so gou doenlik 'n staat ter tafel lê wat die aanwending van geld ingevolge subartikel (1)(b) weergee.

Magtiging vir opening van bankrekenings

11. 'n Rekening ten opsigte van Inkomste mag slegs met die skriftelike magtiging van die Tesourie by 'n bank geopen word, en waar 'n rekening aldus geopen is, laat die betrokke bank, behoudens artikel 157(2) van die Grondwet, nie 'n oortrekking op so 'n rekening toe nie.

(2) Die Tesourie hersien jaarliks die toekenning van bankrekenings aan 'n bank ten opsigte van die Skatkisrekening en Betaalmeester-generaalrekening in oorleg met die Suid-Afrikaanse Reserwebank.

Instelling van bedryfs- en verwante rekenings

12. (1) Die Tesourie kan 'n rekenpligtige beampte magtig om bedryfs- en verwante rekenings in te stel ten opsigte van dienste en goedere wat die Provinsie aan homself of enige ander instelling lewer.

(2) Uitgawes in verband met die lewering van dienste en goedere bedoel in subartikel (1), soos deur die Tesourie bepaal, word gefinansier uit geld in die rekenings, wat—

- (a) deur die Provinsiale Wetgewer bewillig is;
- (b) ondanks andersluidende bepalings van hierdie Wet of enige ander wet, ter betaling van die dienste en goeder in subartikel (1) bedoel, ontvang is;
- (c) verkry is uit die verkoop van oortollige en ondienlike voorrade wat in verband staan met die lewering van die onderhawige dienste of goedere;
- (d) met die instemming van die Tesourie uit enige ander bron verkry word.

(3) Die Inkomsterekening word met enige wins aan die einde van die boekjaar gekrediteer en enige verlies word uit bewilligde geld goedgemaak.

Stelsels van boekhouding en verantwoording

13. Die Tesourie moet, na oorlegpleging met die Ouditeur-generaal, op die wyse wat hy nodig ag, aan rekenpligtige beamptes leiding gee in verband met die stelsels van boekhouding en verantwoording wat hulle moet volg, en kan bepaalde stelsels van boekhouding en verantwoording voorskryf wat rekenpligtige beamptes moet volg.

Verantwoording vir Skatkisrekening, en opstel van state

14. (1) Die Tesourie moet verantwoording doen van die Skatkisrekening en moet die rekenings en rekords hou wat noodsaaklik is vir die uitoefening van behoorlike beheer oor die Inkomstefonds.

(2) Die Tesourie moet so gou doenlik na die einde van elke maand, in die *Provinsiale Koerant* state laat publiseer wat die ontvangste in en oordragte uit die Skatkisrekening aantoon gedurende die tydperk van die eerste dag van die betrokke boekjaar tot aan die einde van daardie maand, asook die saldo's in die Skatkisrekening aan die begin en aan die einde van daardie tydperk.

(3) So gou moontlik nadat die rekenings ten opsigte van 'n boekjaar afgesluit is, maar in elk geval binne vyf maande na die einde van 'n boekjaar, moet die Tesourie state, soos deur die Nasionale Tesourie voorgeskryf, opstel van—

- (a) die Skatkisrekening;
- (b) die Inkomsterekening;
- (c) die Betaalmeester-generaalrekening;
- (d) Provinsiale skuld en die bedrag van die skuld wat gedurende die boekjaar aangegaan en gedelg is;
- (e) die rente en dividende in die rekening van die Inkomstefonds ontvang en die rente op die Provinsiale skuld betaal;
- (f) alle ander geld waaroor die Tesourie beheer het.

(4) Die Tesourie moet ook binne die tydperk bedoel in subartikel (3) en ter staving van die Inkomsterekening ten opsigte van die betrokke boekjaar, state opstel van die ontvangste onder die verskillende hoofde wat in die beramings van inkomste aangetoon word, en van die oordragte uit die Skatkisrekening op rekening van elk van die begrotingsposte wat in 'n Begrotingswet vir daardie jaar aangetoon word.

(5) Sodra die state bedoel in subartikels (3) en (4) opgestel is, moet die Tesourie hulle aan die Ouditeur-generaal vir ondersoek deurstuur.

Appropriasierekening

15. (1) 'n Rekenpligte beampte moet so gou moontlik, maar nie later nie as vier maande na die afsluiting van 'n boekjaar, 'n appropriasierekening ten opsigte van dié boekjaar en ten opsigte van elke begrotingspos onder sy of haar beheer opstel en aan die Ouditeur-generaal vir ondersoek deurstuur en moet terselfdertyd 'n afskrif daarvan aan die Tesourie stuur. Met dien verstande dat die Ouditeur-generaal, in 'n geval waar dit na sy of haar mening geregverdig is, uitstel vir die indiening van die vereiste rekening kan verleen vir die tydperk wat na sy of haar oordeel nodig is vir die voltooiing daarvan.

(2) 'n Rekenpligtige beampte moet in 'n appropriasierekening ten opsigte van elke hoofindeling van 'n begrotingspos—

- (a) aan die ontvangstekant daarvan die bedrag opgee wat vir die betrokke boekjaar—
 - (i) in die begroting van uitgawes en 'n aansuiweringsbegroting verskyn; en
 - (ii) magtigings ingevolge artikel 7 verleen wat nog nie ingevolge subartikel (2) van daardie artikel bewillig is nie: Met dien verstande dat duidelik onderskei word tussen ontvangstes bedoel in paragraaf (i) en hierdie paragraaf;
- (b) aan die uitgawekant daarvan die bedrag opgee, wat gedurende dieselfde tydperk werklik bestee is:

Met dien verstande dat die bedrag van 'n voorskot deur 'n rekenpligtige beampte om verwagte uitgawes te bestry wat nie deur aanvaarbare bewyse van uitgawe gestaaf word nie, nie aan die uitgawekant ingesluit word nie.

(3) Elke appropriasierekening wat by die Ouditeur-generaal ingedien word, moet vergesel wees van—

- (a) verduidelikings van die oorsake van 'n verskil, wat twee persent te bowe gaan, tussen uitgawes en die bedrag beoog in subartikel (2)(a);
- (b) 'n aanduiding van die bedrag van enige surplus wat teruggestort moet word of van enige tekort;
- (c) 'n verklaring dat die bedrag van die surplus, as daar was, van die voorafgaande boekjaar teruggestort is;
- (d) 'n aanduiding van die som van enige saldo in 'n afwagrekening wat 'n las teen die begrotingspos mag vorm.

(4) Appropriasierekenings en besonderhede ingevolge hierdie artikel verstrek, moet deur die rekenpligtige beampte onderteken wees.

(5) (a) Wanneer iemand kragtens artikel 17(1) met die verantwoording van Staatsgeld en Staatsgoed ten opsigte van 'n bepaalde gedeelte van 'n begrotingspos belas is, moet die besonderhede betreffende daardie gedeelte afsonderlik in die appropriasierekening ten opsigte van die betrokke begrotingspos behandel word.

(b) Iemand in paragraaf (a) bedoel, moet die betrokke rekenpligtige beampte van voldoende besonderhede voorsien ten einde hom of haar in staat te stel om aan die bepalings van subartikels (1), (2) en (3) te voldoen.

Rekenpligtige beampte

16. (1) (a) Behoudens die bepalings van paragraaf (b) is die Direkteur-generaal, aangestel kragtens die Staatsdienswet, 1994, vir die Provinsie, die rekenpligtige beampte.

(b) Die premier kan 'n beampte aanwys as rekenpligtige beampte ten opsigte van 'n bepaalde begrotingspos.

(2) 'n Rekenpligtige beampte oefen die bevoegdhede uit en voer die pligte uit wat by wet, by die finansiële regulasies, by die Tesourie Instruksies of deur die Tesourie aan hom of haar verleen of opgedra is.

(3) Tensy die Tesourie anders gelas is die Rekenpligtige Beampte vir 'n statutêre liggaam waarvoor daar nie 'n rekenpligtige beampte kragtens die bepalings van enige ander wet aangewys is nie, die hoof uitvoerende beampte van daardie statutêre liggaam.

(4) Tydens die afwesigheid van 'n rekenpligtige beampte word sy of haar bevoegdhede uitgeoefen en sy of haar pligte uitgevoer deur die beampte wat in sy of haar plek waarneem.

Verantwoording van Staatsgeld en Staatsgoed deur iemand wat nie 'n rekenpligtige beampte is nie

17. (1) Die Tesourie kan ondanks die bepalings van artikel 16 iemand wat nie 'n rekenpligtige beampte is nie belas met die verantwoording van—

- (a) Staatsgeld wat deur daardie persoon ontvang en uitbetaal word;
- (b) Staatsgoed wat deur daardie persoon verkry, ontvang, bewaar of oor beskik word, in verband met 'n bedryfs- en verwante rekening, ingestel kragtens artikel 12(1), of 'n bepaalde gedeelte van 'n begrotingspos waarvan afsonderlik boek gehou word.

(2) Wanneer iemand kragtens subartikel (1) met die verantwoording van Staatsgeld en Staatsgoed ten opsigte van 'n bedryfs- en verwante rekening of 'n bepaalde gedeelte van 'n begrotingspos belas is, kan die Tesourie enige of al die bevoegdhede en pligte in artikel 16(2) bedoel wat 'n rekenpligtige beamppte ten opsigte van sodanige bedryfs- en verwante rekening of gedeelte van 'n begrotingspos kan uitoefen of moet verrig, aan so iemand opdra.

(3) 'n Bevoegdheid of plig aan iemand kragtens subartikel (2) opgedra, word deur so iemand ten opsigte van die betrokke bedryfs- en verwante rekening of gedeelte van 'n begrotingspos uitgeoefen of verrig tot uitsluiting van die rekenpligtige beamppte wat vir die begrotingspos waarvan daardie bedryfs- en verwante rekening of gedeelte deel uitmaak, verantwoordelik is.

(4) Wanneer iemand in subartikel (1) bedoel afwesig is, word sy of haar bevoegdhede uitgeoefen en sy of haar pligte verrig deur die persoon wat in sy of haar plek waarneem.

HOOFSTUK II

ALGEMENE FINANSIËLE BEHEER

Ander bevoegdhede van die Tesourie

18. (1) Behoudens die bepalings van hierdie Wet en enige ander wet het die Tesourie die bevoegdheid om—

- (a) leiding te gee in en beheer uit te oefen oor, Staatsgeld en ander Staatsgoed ten einde die sistematiese en ordelike bestuur daarvan te bewerkstellig en doeltreffendheid en besuiniging by die aanwending daarvan te bevorder;
- (b) te gelas dat die uitgawes ten laste van die Inkomsterekening, wat hy bepaal, nie aangegaan mag word nie sonder dat sy goedkeuring verkry is;
- (c) gelde of ander vorderings of die koerse, skale of tariewe van geld of ander vorderings wat nie by wet bepaal is of bepaal kan word nie en wat betrekking het op die inkomste wat die Inkomstefonds toeval of op uitgawes daaruit, goed te keur en te gelas dat geen sodanige gelde of vorderings of koers, skaal of tarief daarvan in werking gestel word nie voordat die Tesourie se goedkeuring verkry is;
- (d) goedkeuring te verleen vir die lewering van 'n gratis diens;
- (e) goedkeuring te verleen vir afskrywing van 'n verlies van Staatsgeld en ander Staatsgoed;
- (f) goedkeuring te verleen dat kontrakte tot die nadeel van die Staat gewysig of opgeëis word;
- (g) te eis dat rekenpligtige beamptes bepaalde insette ten opsigte van begrotingsaangeleenthede aan hom voorlê en sulke insette—
 - (i) ontleed en aanbevelings daaroor aan die verantwoordelike Lid doen;
 - (ii) of verwerkings daarvan aan die Nasionale Tesourie op versoek beskikbaar stel;

- (h) te eis dat 'n rekenpligtige beampte inligting, opgawes, stukke, verduidelikings en motiverings met betrekking tot enige aangeleentheid wat Staatsgeld of ander Staatsgoed van die Provinsie raak aan hom voorlê;
- (i) goedkeuring te verleen vir die skikking van 'n eis deur of teen die Provinsie of vir die afstanddoening van 'n eis deur die Provinsie;
- (j) nie-nakoming, deur 'n rekenpligtige beampte, van 'n instruksie of ander geskrewe versoek, bepaling of voorwaarde van die Tesourie in verband met die een of ander aangeleentheid te magtig of te kondoneer;
- (k) stelsels vir die beheer oor, en bestuur van Staatsgeld en ander Staatsgoed van die Provinsie te ondersoek, voorskryf te inspekteer en bykomende stelsels, ander dan die bedoel in artikel 13, voor te skryf;
- (l) te bepaal watter begrotingspos of onderindeling daarvan met 'n uitgawe aan 'n diens belas moet word;
- (m) die terme te bepaal waarop Inkomste wat aan die Provinsie verskuldig is, betaal kan word, en die voorwaardes te bepaal waarop Staatsgeld van die Provinsie bestee kan word;
- (n) goedkeuring te verleen dat die geld wat aan die Provinsie verskuldig is, by wyse van grasie kwytsgekeld word;
- (o) terugbetalings van Inkomste aan die Provinsie by wyse van grasie goed te keur;
- (p) betalings uit Staatsgeld van die Provinsie by wyse van grasie goed te keur;
- (q) goedkeuring te verleen dat skenkings van Staatsgeld van die Provinsie en ander roerende Staatsgoed van die Provinsie gedoen kan word of dat skenkings aan die Provinsie ontvang kan word;
- (r) goedkeuring te verleen vir die vervreemding of verhuring van of die ander beskikking oor roerende Staatsgoed van die Provinsie;
- (s) leiding te gee in die hantering van en beheer uit te oefen oor alle trustgeld en trustgoed wat tydelik by 'n rekenpligtige beampte of ander persoon in diens van die Provinsie gedeponeer of gelaat is;
- (t) leiding te gee by die toepassing van norme en standarde deur die Nasionale Tesourie voorgeskryf ten opsigte van verbeterings aan onroerende eiendom wat geheel of gedeeltelik uit die Inkomstefonds gefinansier word;
- (u) goedkeuring te verleen dat borgskappe aan die Provinsie ontvang kan word:

Met dien verstande dat wanneer die bedrag betrokke by 'n geval beoog in paragraaf (n), (o), (p) of (q), uitgesonderd so 'n geval in verband met roerende Staatsgoed, R100 000 oorskry, of betrekking het op 'n belasting, ander reg of heffing wat by wet opgelê is, sodanige kwytskelding, terugbetaling, betaling of skenking nie gedoen word nie tensy geld vir dié doel deur die Provinsiale Wetgewer bewillig is: Met dien verstande voorts dat

indien die omstandighede verbonde aan die betaling van so 'n belasting, ander reg of heffing na die oordeel van die Tesourie 'n terugbetaling by wyse van grasia van die geheel of 'n gedeelte van die betrokke bedrag regverdig, die Tesourie sodanige terugbetaling tot hoogstens R100 000 as 'n las teen die betrokke begrotingspos kan goedkeur.

(2) Die Tesourie kan na goeëddunke goedkeur dat 'n bedrag wat deur iemand aan die Provinsie verskuldig is, in die geheel of ten dele afgeskryf word, indien die Tesourie oortuig is dat—

- (a) die bedrag oninbaar is;
- (b) invordering van die bedrag onekonomies sou wees;
- (c) invordering van die bedrag die skuldenaar of sy of haar afhanklikes oormatige ontbering sal veroorsaak deurdat hulle die minimum bestaansbenodighede ontnem word;
- (d) die bates van die skuldenaar of van die bedoel van die skuldenaar, indien hy of sy oorlede is, (hetsy sodanige bates aan die staat verpand is al dan nie) vir sy of haar afhanklikes onmisbaar is of van betreklik geringe waarde is en die skuldenaar of sy of haar boedel na gelang van die geval, nie in staat is om die bedrag of 'n gedeelte daarvan te betaal nie, behalwe deur sodanige bates van die hand te sit en sodanige van die handsetting oormatige ontbering sal veroorsaak; of
- (e) dit tot voordeel van die Provinsie strek om 'n skikking van sy betrokke eis aan te gaan of van dié eis afstand te doen.

(3) Wanneer 'n bevoegdheid by wet verleen word om 'n koers, skaal, tarief, gelde of vordering te bepaal vir die doeleindes van inkomste wat toeval aan, of uitgawe uit, die Inkomstefonds, word so 'n bepaling, ondanks die bepalings van daardie wet, nie gedoen nie voordat die goedkeuring van die Tesourie daarvoor verkry is: Met dien verstande dat die bepalings van hierdie subartikel nie op belasting of so 'n bepaling deur die Premier van toepassing is nie.

(4) Waar 'n bewysstuk of ander bewys van ontvangste of betaling in enige opsig gebrekkig, verloor of vernietig is en—

- (a) die Tesourie in die geval van rekenings van rekenpligtige beamptes en ander persone in diens van die Provinsie;
- (b) behoudens die bepalings van enige ander wet, die uitvoerende bestuur van 'n statutêre liggaam, in die geval van rekenings van sodanige statutêre liggaam,

genoeë neem met die verduideliking van die verantwoordelike persoon, kan die Tesourie, of die uitvoerende bestuur van 'n statutêre liggaam, na gelang van die geval, 'n bevel gee waarby van die voorlegging van 'n bewysstuk of sodanige ander bewys afgesien word of 'n ander bevel gee wat in die omstandighede billik is.

Delegasie van bevoegdhede van die Tesourie

19. (1) Die Tesourie kan 'n bevoegdheid wat by artikel 18(1) en (2) of 21(5) aan hom verleen is, op die voorwaardes deur hom bepaal, aan 'n rekenpligtige beampte deleger.

(2) Waar die Tesourie 'n bevoegdheid kragtens subartikel (1) gedelegeer het, kan hy die betrokke rekenpligtige beampte magtig om daardie bevoegdheid verder te deleger aan die bekleër van 'n pos deur die Tesourie aangewys.

(3) 'n Rekenpligtige beampte word nie ontdoen van 'n bevoegdheid deur hom of haar gedelegeer nie, en kan 'n beslissing gegee by die uitoefening van daardie bevoegdheid wysig of intrek.

(4) Die Tesourie word nie ontdoen van 'n bevoegdheid deur hom of kragtens sy magtiging gedelegeer nie en kan 'n beslissing gegee by die uitoefening van dié bevoegdheid, met inbegrip van 'n beslissing van 'n rekenpligtige beampte waarby 'n beslissing beoog in subartikel (3) gewysig of ingetrek word, wysig of intrek.

(5) Waar 'n bevoegdheid aan die bekleër van 'n pos gedelegeer is, kan daardie bevoegdheid uitgeoefen word deur die persoon wat te eniger tyd die werksaamhede wat aan daardie pos verbonde is, verrig.

Ongemagtigde uitgawes

20. (1) 'n Betrokke uitgawe is ongemagtig indien—

- (a) 'n uitbetaling deur 'n rekenpligtige beampte gedoen word sonder dat voorsiening daarvoor by of uit hoofde van die bepalings van 'n wet gemaak is;
- (b) 'n uitbetaling of gedeelte van 'n uitbetaling aan 'n diens wat by 'n Begrotingswet gemagtig is, meebring dat—
 - (i) die totale bedrag bewillig op die betrokke begrotingspos, met inagneming van 'n verhoging bedoel in artikel 6(2), oorskry word;
 - (ii) die uitgawe uit hoofde van die bepalings van artikel 5(3) nie as 'n finale debiet geboek mag word nie; of
 - (iii) die bedrag wat ten opsigte van 'n diens in "Kolom 2" van die bylae by 'n Begrotingswet aangetoon is, oorskry word en daar nie 'n magtiging bedoel in artikel 7(1)(b)(ii) verkry of 'n verhoging bedoel in artikel 6(2) gemaak, daarvoor is nie;
- (c) 'n toepaslike Tesourie-magtiging wat ingevolge die bepalings van hierdie Wet of 'n ander wet vereis word, nie deur 'n rekenpligtige beampte aan die Ouditeur-generaal ten opsigte van 'n uitbetaling voorgelê kan word nie;
- (d) 'n rekenpligtige beampte 'n uitbetaling strydig met 'n bepaling van die een of ander wet doen.

(2) 'n ongemagtigde uitgawe bedoel in subartikel (1) maak nie 'n debiet teen die Inkomstefonds uit nie alvorens—

- (a) in die geval van paragraaf (a), (b), of (c) van daardie subartikel, die betrokke uitgawe by wet van die Provinsiale Wetgewer gemagtig is; of
- (b) in die geval van paragraaf (d) van daardie subartikel, die betrokke uitgawe by wet van die Provinsiale Wetgewer geldig verklaar word.

(3) Ongemagtigde uitgawes of enige gedeelte daarvan deur die Provinsiale Wetgewer bepaal, wat nie gemagtig of geldig verklaar word nie soos in subartikel (2) beoog, moet deur die Tesourie op die rekenpligtige beamppte verhaal word indien die rekenpligtige beamppte nie die betrokke bedrag van die begunstigde of die persoon verantwoordelik vir die ongemagtigde uitgawe, kan of wil verhaal nie.

(4) Die bepalings van paragrawe (a), (c), en (d) van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van 'n statutêre liggaam tensy anders by wet bepaal, en by die toepassing van paragraaf (c) word 'n verwysing na Tesourie-magtiging uitgelê ook as 'n verwysing na 'n magtiging van 'n Lid van die Uitvoerende Raad, of uitvoerende bestuur of 'n ander toepaslike owerheid, na gelang van die geval.

(5) 'n Ongemagtigde uitgawe bedoel in subartikel (4) of enige gedeelte daarvan deur die Provinsiale Wetgewer bepaal, maak nie 'n debiet teen 'n betrokke fonds of rekening uit nie totdat dit volgens die normale begrotingsprosedure wat op die betrokke fonds of rekening van toepassing is, gemagtig, geldig verklaar of beskikbaar gestel word: Met dien verstande dat enige ongemagtigde uitgawe wat nie gemagtig of geldig verklaar word nie op die rekenpligtige beamppte verhaal moet word indien hy of sy nie die betrokke bedrag van die begunstigde of die persoon verantwoordelik vir die ongemagtigde uitgawe, kan of wil verhaal nie.

Verhaal van verliese en skade

21. Indien iemand wat in diens van die Provinsie is of was en die Provinsie 'n verlies of skade berokken het deurdat hy of sy—

- (a) versuim het om Staatsgeld vir die invordering waarvan hy of sy verantwoordelik is of was, in te vorder;
- (b) vir 'n onreëlmatige uitbetaling van Staatsgeld of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;
- (c) weens versuim om sy of haar pligte uit te voer, vir 'n vrugtelose uitgawe van Staatsgeld verantwoordelik is of was;
- (d) vir 'n tekort in, of 'n vernietiging of beskadiging van Staatsgeld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, uitrusting, voorrade of ander Staatsgoed verantwoordelik is of was;
- (e) weens versuim om sy of haar pligte uit te voer of op enige ander wyse, vir 'n eis teen die Provinsie verantwoordelik is of was,

moet die betrokke rekenpligtige beamppte, of die bekleër van 'n pos deur die Tesourie aangewys, die bedrag van sodanige verlies of skade of die bedrag ter vervanging van die Staatsgoed waarin daardie tekort is of wat vernietig is, soos by die Instruksies voorgeskryf, vasstel en, behoudens die bepalings van subartikel (5), genoemde persoon by skriftelike kennisgewing gelas om die bedrag wat aldus vasgestel is, binne dertig dae vanaf die datum van die kennisgewing aan hom of haar te betaal.

(2) Indien iemand wat in diens van die Provinsie is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalings van subartikels (4), (6) en (7), van sy of

haar maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as een-vierde van sy of haar maandelikse salaris mag beloop nie, tensy so 'n persoon skriftelik toestem dat 'n groter bedrag afgetrek word.

(3) Indien iemand wat in diens van die Provinsie was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om dié bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, moet die betrokke rekenpligtige beampte, behoudens die bepalings van subartikels (4), (6) en (7) dié bedrag deur middel van 'n geregtelike proses op dié persoon verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om dié bedrag in paaie te betaal, kan die rekenpligtige beampte, of die bekleër van 'n pos deur die Tesourie aangewys, hom of haar toelaat om te betaal in die paaie wat, na hy of sy meen, redelik is: Met dien verstande dat indien die delging van die bedrag ingevolge die aanbod nie binne 'n tydperk van twaalf maande, gereken vanaf die datum waarop die eerste paaie betaalbaar is, sal geskied nie, die Tesourie se goedkeuring verkry moet word om dié bedrag oor 'n langer tydperk as genoemde tydperk te betaal, en die Tesourie die ander voorwaardes waarop dié bedrag betaal moet word, kan bepaal.

(5) Indien 'n rekenpligtige beampte, of die bekleër van 'n pos deur die Tesourie aangewys, om watter rede ook al, van menig is dat 'n bedrag ingevolge subartikel (1) vasgestel nie verhaal behoort te word nie of slegs ten dele verhaal behoort te word op die persoon wat daarvoor verantwoordelik is, kan hy of sy die Tesourie versoek om daardie persoon van betaling van die geheel of 'n gedeelte van daardie bedrag kwyt te skeld, en die Tesourie kan na goeë dunde goedkeur dat die geheel of 'n gedeelte van daardie bedrag nie verhaal word nie.

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van dertig dae van die datum van die lasgewing, die betrokke rekenpligtige beampte skriftelik versoek, met opgaaf van die gronde vir sy of haar versoek, om 'n versoek, soos beoog in subartikel (5), tot die Tesourie te rig, en indien die betrokke rekenpligtige beampte weier om so 'n versoek tot die Tesourie te rig of die Tesourie weier om, soos beoog in genoemde subartikel, goed te keur dat die geheel of gedeelte van die betrokke bedrag nie verhaal word nie, soos versoek, kan so iemand binne dertig dae nadat hy of sy skriftelik van enige sodanige weiering in kennis gestel is, by die verantwoordelike Lid appél daarteen aanteken, en die verantwoordelike Lid kan, na die verdere ondersoek wat hy of sy nodig ag, die appél verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat hy of sy billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word.

(7) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan in plaas daar van om kragtens subartikel (6) by die verantwoordelike Lid appél aan te teken, by 'n bevoegde hof aansoek doen, binne 'n tydperk van dertig dae van die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, om 'n bevel waarby die lasgewing ter syde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur die betrokke rekenpligtige beampte aan die

hand van omstandighede van die geval oortuig word nie dat die lasgewing tereg opgelê is of dat daardie bedrag juis is, 'n bevel uitreik waarby die lasgewing ter syde gestel word of dié bedrag verminder word, na gelang van die geval.

(8) Indien 'n bedrag ingevolge subartikel (5), (6) of (7) verminder word, word die verminderde bedrag *mutatis mutandis* ooreenkomstig die bepalings van subartikels (1), (2), (3) en (4) verhaal.

Waarborge ten opsigte van lenings

22. (1) Indien 'n verantwoordelike Lid in die Uitvoerende Raad en, mits hy nie die lid van die Uitvoerende Raad verantwoordelik vir finansiële aangeleenthede is nie, asook die lid van die Uitvoerende Raad verantwoordelik vir finansiële aangeleenthede oortuig is dat daar voldoen is aan die bepalings van subartikel (3) kan die genoemde verantwoordelike Lid met die instemming van die lid van die Uitvoerende Raad verantwoordelik vir finansiële aangeleenthede, indien hy nie sodanige Lid is nie, en nadat aan die bepalings van artikel 157(3) van die Grondwet voldoen is, van tyd tot tyd, onderworpe aan die voorwaardes van subartikel (3) en die voorwaardes wat hy of sy, met die instemming van die Lid van die Uitvoerende Raad verantwoordelik vir Finansiële Aangeleenthede indien hy of sy nie sodanige verantwoordelike Lid is nie bepaal, waarby ingesluit word dat sodanige geregtelike eksepsie as wat hy of sy toepaslik mag vind, verkry kan word, 'n waarborg verskaf vir finansiële verpligtinge voortspruitend uit 'n lening toegestaan of 'n lening wat toegestaan sal word deur 'n plaaslike regering of deur 'n raad of deur 'n liggaam wat kragtens 'n wet ingestel is, hierna verwys as 'n korporatiewe liggaam, geleë binne die Provinsie.

(2) 'n Waarborg wat kragtens subartikel (1) verskaf staan te word, kan slegs deur 'n verantwoordelike Lid oorweeg word, mits hy of sy nie die lid van die Uitvoerende Raad verantwoordelik vir die finansiële aangeleenthede is nie, en ook deur die Lid van die Uitvoerende Raad verantwoordelik vir die verskaffing van sodanige waarborg deur die uitvoerende gesag van die plaaslike regering of die korporatiewe liggaam aan wie die waarborg verskaf moet word, na gelang van die geval.

(3) 'n Waarborg wat verskaf word ingevolge subartikel (1), moet aan die voorwaardes voldoen dat—

(a) die opbrengste van die lening so gewaarborg—

- (i) in die openbare belang, in die betrokke gebied van jurisdiksie aangewend word, deur die plaaslike regering ten opsigte waarvan die lening gewaarborg word, of binne die gebied van die Provinsie of gedeelte daarvan, deur die korporatiewe liggaam;
- (ii) nie vir finansiering van lopende besteding aangewend word nie;
- (iii) in die geval van 'n waarborg verskaf vir 'n lening deur 'n plaaslike regering, aangewend word ooreenkomstig die bepalings van enige wet van die Provinsie, wat van toepassing is op die leen van geld deur 'n plaaslike regering;
- (iv) afsonderlik oor verantwoording gedoen word, deur die plaaslike regering, of korporatiewe liggaam, na gelang van die geval;

(b) 'n verantwoordelike Lid, moet op grond van inligting aan hom verskaf deur die uitvoerende gesag van die plaaslike regering of korporatiewe liggaam, na gelang van die geval, oortuig wees dat—

- (i) die fondse wat benodig word, nie op ander wyses as deur 'n gewaarborgde lening verkry kan word nie;
- (ii) daar geen redelike twyfel bestaan nie dat die plaaslike regering of betrokke korporatiewe liggaam, aan die voorwaardes en verpligtinge verbonde aan die lening, sal kan voldoen;
- (iii) die voorwaardes verbonde aan die betrokke lening—
 - (aa) voldoen aan die algemeen aanvaarde beginsels van leningsooreenkomste;
 - (bb) regtens en tegnies korrek sal wees; en
 - (cc) ten volle die verpligtinge van die Provinsie wat as waarborggewer optree, sal formuleer, en die wyse waarop uitgawes aangegaan deur die Provinsie kragtens sodanige waarborg, verhaal sal word;
- (iv) met inagneming daarvan dat 'n waarborg vir die lening benodig word, die koste van die lening markverwant is;
- (v) die beskikbaarheid van die leningsopbrengste nie tot nadeel van finansiële dissipline in die plaaslike regering of betrokke korporatiewe liggaam sal wees nie.

(4) Die betaling deur die Provinsie, wat optree as 'n waarborggewer, van regmatige eise voortspruitend uit 'n waarborg verskaf kragtens die bepalings van subartikel (1)—

- (a) word geag bewillig te wees vir sodanige doeleindes;
- (b) moet so gou doenlik aan die Provinsiale Wetgewer gerapporteer word deur die verantwoordelike Lid, maar nie later as ses maande nadat die betaling gedoen is nie en doen terselfdertyd verslag aan die genoemde wetgewer oor die omstandighede rakende sodanige betaling.

(5) Die lid van die Uitvoerende Raad verantwoordelik vir die finansiële aangeleenthede, moet, so spoedig moontlik, maar nie later nie as ses maande na die einde van die boekjaar 'n verslag in die *Provinsiale Koerant* laat publiseer, waarin volle besonderhede van elke waarborg verskaf deur die Provinsie, kragtens subartikel (1), vervat is, asook die naam van die plaaslike regering of korporatiewe liggaam aan wie 'n waarborg verskaf is, die bedrag van die verpligting wat uit elke waarborg kan voortspruit, of buitelandse valuta betrokke is, die relatiewe bedrag en die boekjaar waarin die betrokke waarborg sal verval.

(6) Ondanks enige teenstrydige bepaling in hierdie Wet of enige ander wet, word 'n waarborg deur die Provinsie in verband met die finansiële verpligtinge voortspruitend uit 'n lening, slegs verskaf kragtens hierdie artikel en die bepalings van artikel 157(3) van die Grondwet.

(7) 'n Verwysing na "verantwoordelike Lid" in hierdie artikel, word geag 'n verwysing te wees na die lid van die Uitvoerende Raad wat verantwoordelik is vir die administrasie van 'n portefeulje wat direk of indirek betrokke is by die aangeleentheid onderliggend aan die besteding van die opbrengs van die lening, waarvoor 'n waarborg verskaf is kragtens subartikel (1), en indien daar twyfel bestaan oor wie die verantwoordelike Lid is, word die betrokke Lid van die Uitvoerende Raad bepaal deur die Lid van die Uitvoerende Raad verantwoordelik vir finansiële aangeleenthede.

Toepassing van sekere bepalings rakende bevoegdhede van die verantwoordelike Lid, en delegasie van bevoegdhede

23. (1) Wanneer 'n wet vereis dat 'n Lid van die Uitvoerende Raad iets in of na oorleg met of met die instemming van die verantwoordelike Lid moet doen, word, tensy een van die betrokke lede anders gelas het, bedoelde vereiste geag nagekom te gewees het indien oorlegpleging tussen die betrokke rekenpligtige amptenare of hul verteenwoordigers plaasgevind het.

(2) Die verantwoordelike Lid kan, behalwe in 'n geval waarop subartikel (1) betrekking het, 'n bevoegdheid of werksaamheid met betrekking tot die inkomste, uitgawes of goed van die Provinsie of 'n statutêre liggaam, wat by hierdie Wet of 'n ander wet aan hom of haar verleen of opgedra is, uitgesonderd 'n bevoegdheid om regulasies uit te vaardig en 'n bevoegdheid of werksaamheid bedoel in artikels 4(3), 7, 21(6) en 24(3), aan 'n beampte in die komponent waarin die bepalings van hierdie Wet of bedoelde ander wet deur hom of haar geadministreer word, delegeer, maar word daardeur van 'n aldus gedelegeerde bevoegdheid of werksaamheid ontdoen nie, en kan 'n besluit van so 'n beampte uit hoofde van so 'n delegasie wysig of intrek.

Regulasies

24. (1) Die verantwoordelike Lid kan regulasies uitvaardig wat—

- (a) verdere pligte en verantwoordelikhede van rekenpligtige beamptes voorskryf;
- (b) voorsiening maak vir die aanwysing van beamptes as hoof provinsiale ontvangers, provinsiale ontvangers van Inkomste en hul pligte en verantwoordelikhede as sodanig voorskryf;
- (c) voorsiening maak vir die terugbetaling uit lopende inkomste van geld wat verkeerdlik ingevorder is;
- (d) voorsiening maak vir die aanwysing van beamptes of ander persone as finansiële bestuurders en van beamptes as rekenmeesters en hul pligte en verantwoordelikhede as sodanig voorskryf;
- (e) 'n stelsel voorskryf wat gevolg moet word met betrekking tot die invordering, ontvangs, bank, bewaring, uitbetaling, beheer en verantwoording van en beskikking en toesig oor Staatsgeld en die rekenings wat in verband daarmee gehou word;
- (f) die voorwaardes voorskryf waarop skenkings aan die Provinsie ontvang en aangewend kan word;
- (g) voorsiening maak vir die beheer oor en voorraadopname van sekuriteite, seëls en ander Staatsgoed;

- (h) voorsiening maak vir die wyse waarop en prosedures waarvolgens rekenpligtige beamptes en die Tesourie die bevoegdhede en pligte by hierdie Wet aan hulle opgedra, moet uitoefen en uitvoer;
- (i) voorsiening maak vir die finansiële reëlings met betrekking tot 'n diens wat een komponent aan 'n ander lewer;
- (j) in die algemeen vir die uitvoering van die bepalings van hierdie Wet en vir die bereiking van die oogmerke daarvan voorsiening maak;
- (k) voorsiening maak vir oudit komitees en interne oudit komitees.

(2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende kategorieë Staatsgeld of ander Staatsgoed, of verskillende kategorieë persone aan wie die invordering, ontvangs, bank, bewaring, uitbetaling, beheer en verantwoording van, en beskikking en toesig oor, Staatsgeld en ander staatsgoed toevertrou is.

(3) Die verantwoordelike Lid kan, indien omstandighede na sy of haar oordeel dit regverdig, bepaal dat 'n regulasie wat kragtens subartikel (1) uitgevaardig is, nie nagekom hoef te word nie of nie nagekom hoef te word nie in die mate wat hy of sy bepaal.

(4) Die regulasies uitgereik kragtens 'n nasionale skatkiswet is *mutatis mutandis* van toepassing op die Provinsie totdat dit vervang of gewysig word deur Regulasies uitgereik deur die verantwoordelike Lid.

Instruksies

25. (1) Die Tesourie kan van tyd tot tyd Instruksies en ander voorskrifte uitreik wat nie met die Regulasies strydig is nie, met betrekking tot—

- (a) 'n aangeleentheid vermeld in artikel 18;
- (b) 'n aangeleentheid vermeld in artikel 24;
- (c) die wyse waarop voorleggings aan die Tesourie deur rekenpligtige beamptes gedoen moet word en die persone deur wie sodanige voorlegging geteken moet word;
- (d) die uitvoering, in die algemeen, van die bepalings van hierdie Wet en die Regulasies en die bereiking van die oogmerke daarvan.

(2) Indien na die oordeel van die Tesourie omstandighede dit regverdig, kan hy 'n afwyking van 'n Instruksie goedkeur.

(3) Tesourie-instruksies kragtens 'n nasionale skatkiswet uitgereik, is *mutatis mutandis* van toepassing op die Provinsie, totdat dit gewysig of vervang word deur Instruksies uitgereik deur die Tesourie.

Inkomstevoorskrifte

26. 'n Beampte aangestel as hoof provinsiale ontvanger van Inkomste kan, van tyd tot tyd, en moet wanneer die Tesourie hom of haar aansê om dit te doen, aan alle persone wat verantwoordelik is vir die invordering, beheer en beskikking van of oor inkomste ten opsigte waarvan hy of sy die hoofprovinsiale ontvanger is, of van of oor die ander inkomste wat die Tesourie aanwys, die voorskrifte (wat Inkomstevoorskrifte heet) met betrekking tot sodanige invordering, beheer, en beskikking uitreik wat die Tesourie goedkeur of wat hy volgens bedoelde aansegging moet uitreik.

HOOFSTUK III**KORT TITEL****Kort titel**

27. Hierdie Wet heet die Noord-Transvaal Skatkiswet, 1994.

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 4

7 Octoboro 1994

Laha ku tivisiwa leswaku Holobyenkulu u pfumerile Nawu lowu wu landzelaka lowu laha wu tivisiwaka leswaku wu ta tiviwa hi mani na mani:

No. 3 wa 1994: Nawu wa Transvaal N'walungu wa Nkwama 1994.

NAWUM

Wo endla makungu ya malawuriwele yo hlengeleta, amukela, lawula, hlayisa no humesa timali ta tiko ni ku amukela, hlayisa no lawula nhundzu yin'wana ya Tiko; timfanelo ni matimba ya Va Nkwama; ku nyika tigarantiya, mindzivalelo ni vusirheleri; ni timhaka leti yelanaka na tona.

*(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Ri pfumeriwile hi siku ra 6 Nhlangua 1994)*

HUVO YO ENDLA Milawu ya Xifundzankulu xa Transvaal N'walungu YI VEKA NAWU hi ndlela leyi landzelaka:—

Tinhlamuselo

1. (1) Eka Nawu lowu na xinawana xihi ni xihi na xileriso lexi xi humesiweke hi ku landza wona, handle ka loko matirhisiwele ya kona ya kombisa swin'wana—

“Bangi” ri vula bangi leyi vuriwaka eka Nawu wa Tibangi, 1990 (Nawu wa 94 wa 1990);

“khirediti” ri vula nkavelo wa ntsengo wa mali leyi yi nga eka Nkonta ya Muholeri Jenerala eka mutirhela-tiko wa tinkonta;

“lembe ra timali” swi vula nkarhi lowu wu sungulaka hi 1 Dzivamusoko eka lembe rihi ni rihi ku fikela eka 31 Nyenyankulu eka lembe leri ri landzelaka;

“mali ya thirasiti” swi vula mali leyi yi hlayisiwaka hi mutirhe-latiko wa tinkonta kumbe munhu un'wana loyi a tirhaka eka Xifundzankulu hi ku yimela munhu kumbe vandla laha mali ya kona yi nga riki mali ya Tiko;

“Mali ya Tiko” swi vula timali hinkwato leti ti amukeriweke hambi hi ku kongoma kumbe tani hi tihakelo to hundziseriwa ku suka eka Nkwama wa Mali ya Tiko wa Rixaka hi ku hakerisa swibalo, switundiwa eka matiko mambe kumbe swibalo swa kona na swiamukelwa swa hinkwaswo swa xiwelo na swin’wana swa Xifundzankulu, hambi swi huma eka xihlovo xihi na xihi, leti ti nga ha pimanyetiwa hi Huvo yo Endla Milawu ya Xifundzankulu, naswona ti katsa na timali leti ti lombiweke hi ku landza makungu ya Nawu wihi ni wihi, kambe a yi katsi na ntsengo wa ndziho wihi ni wihi lowu wu nga tluriki R50 lowu wu gweviweke munhu wihi ni wihi hi khoto ya nawu yihi ni yihi, hi tlhelo ra ntsengo walowo wo ka wu nga si hakeriwa, kumbe Mali ya Tiko leyi yi ngenaka eka Nkwama wa Mali ya Tiko wa Rixaka kumbe Nkwama wa Mali ya Tiko wihi ni wihi wun’wana wa Xifundzankulu;

“mimpimanyeto ya tihakelelo” swi vula mpimanyeto wa tihakelelo leti ti languteriwaka eka Nkwama wa Mali ya Tiko eka mintirho ya Xifundzankulu elembeni ra timali leyi yi nyiketiwa eka Huvo yo endla Milawu ya Xifundzankulu naswona leyi yi nga ni vuxokoxoko bya swikongomelo leswi timali, leti ti pimanyetiweke hi Nawu wa mpimanyeto, ti fanelaka ku tirhisiwa swona naswona ti katsa na mimpimanyeto yihi ni yihi ya tihakelelo to tatisa eka mintirho yaleyo hi lembe ra timali leri ri tekiwaka ri fanele ku endleriwa makungu endzhaku ka loko mpimanyeto lowu wu vuriweke eku sunguleni wu nyiketiwile eka Huvo yo endla Milawu ya Xifundzankulu kambe wu nga si pfumeleriwa;

“mpimanyeto lowu wu hundzuluxiweke” swi vula mpimanyeto wa tihakelelo wo huma eka Nkwama wa Mali ya Tiko wa Xifundzankulu mayelana ni tihakelelo ta mintirho ya Xifundzankulu, naswona leti ti khumbaka ntsena—

- (a) ku rhurhisiwa ka timali exikarhi ka swiavo ni le ndzeni ka swiavo;
- (b) ku pimanyetiwa hi vuntshwa ka mali leyi a yi pimanyetiwile hi Huvo yo Endla Milawu ya Xifundzankulu eka lembe ra timali leri hundzeke, kambe yi nga tirhisiwangi;
- (c) ku pimanyetiwa ka mali ya mintirho ya Xifundzankulu leyi hi tlhelo ra yona a ku ri hava kumbe ku pimanyetiwile timali leti nga ringanangiki eka lembe ra timali leri khumbekaka naswona lowu wu nga ha pimanyetiwa ntsena—
 - (i) wu huma eka mali leyi yi kumekaka eka ku xavisiwa ka rifuwo ra Xifundzankulu;
 - (ii) hikokwalaho ka mpfumelelo lowu wu humesiweke hi ku landza xiyenge xa 7;
 - (iii) hi tlhelo ra tihakelelo leti ana se ti tivisiweke hi Xirho lexi xi nga na vutihlamuleri, eka marito ya xona hi nkarhi wo andlala Nawu wa mpimanyeto eka Huvo yo Endla Milawu ya Xifundzankulu; kumbe
 - (iv) hi tlhelo ra tihakelelo leti ti tekiwaka tanihi leti a ti nga languteriwanga no va ti nga papalateki hi Va Nkwama; kumbe
- (d) ku cinca kwihi ni kwihi kun’wana kumbe ku hundzuluxa eka Nawu wa Mpimanyeto lowu wu tirhaka eka lembe ra timali leri ri khumbekaka naswona lowu Va Nkwana va vonaka wu fanerile;

- (e) minkavelo yo tihandlekela leyi yi nga ni swipimelo ni leyi yi nga riki ni swipimelo hi Palamendhe;
- "mpimo wa ntswalo wa ntolovelovelo" swi vula mpimo wa ntswalo lowu wu vekiweke hi ku landza nawu wa nkwama wa rixaka;
- "mutirhela-tiko wa tinkonta" swi vula munhu loyi a vuriwaka eka swiyenge swa 16 na 17;
- "Nawu lowu" swi katsa na xinawana xihi ni xihi kumbe xileriso Pexi xi humesiweke hi ku landza wona;
- "Nawu wa mpimanyeto" swi vula nawu lowu hawona mimpimanyeto ya tihakelelo kumbe mpimanyeto lowu wu hundzuluxiweke wu pima-nyetiwa tanihi loko wu kokiwa eka Nkonta ya Mali ya Tiko lowu wu pfumeleriweke hi Huvo yo Endla Milawu ya Xifundzankulu;
- "nhundzu ya thirasiti" swi vula nhundzu leyi hlayisiweke hi mutirhela-tiko wa tinkonta kumbe munhu un'wana loyi a tirhaka eka Xifundzankulu hi ku yimela munhu kumbe vandla; laha nhundzu ya kona yi nga riki nhundzu ya Tiko;
- "nhundzu ya Tiko" swi vula nhundzu yihi ni yihi ya Xifundzankulu, laha leswi swi nga ha endliwaka hayona swi nga lawuriwiki hi nawu wihi ni wihi wun'wana;
- "Nkonta ya Mali ya Tiko" swi vula nkota leyi yi vuriwaka eka xiyenge xa 2;
- "nkota ya mpimanyeto" swi vula nkota leyi yi vuriwaka eka xiyenge xa 15;
- "Nkonta ya Muholeri Jenerala" swi vula nkota leyi yi vuriwaka eka xiyenge xa 9(1);
- "Nkonta ya Nkwama" swi vula nkota leyi yi vuriweke eka xiyenge xa 3(1);
- "Nkwama wa Mali ya Tiko" swi vula nkwama lowu wu simekiweke hi xiyenge xa 159 xa Vumbiwa;
- "Oditara Jenerala" swi vula munhu loyi a thoriweke tano hi ku landza xiyenge xa 191(2) xa Vumbiwa;
- "timali ta Tiko" swi vula —
- (a) Timali ta tiko hinkwato; na
- (b) timali hinkwato letin'wana tihi ni tihi leti ti amukeriweke kumbe ti hlayisiweke hi mutirhela-tiko wa tinkonta, ti khome-riwile, kumbe hi ku yimela Xifundzankulu;
- "vandla ra xinawu" swi vula mfumo wa ndhawu wihi ni wihi, huvo, nkwama, xiakelwa-vupfuneki, khamphani, khoporexini kumbe nhlanguano wun'wana lowu wu simekiweke hi kumbe hi ku ya hi nawu wihi ni wihi lowu hi ku landza wona ku hakelela swi endliwaka ku sukela eka Nkonta ya Mali ya Tiko kumbe tinkota ta kona tifaneleke ku odiriwa hi Oditara Janerala;
- "Va Nkwama" swi vula vulawuri bya xifundzankulu bya timali eka Xifundzankulu lebyi byi haveriwiweke xiyenge lexi xi nga ni vutihlamuleri bya timhaka ta timali, naswona lebyi matimba ya byona hi tlhelo ra mhaka yihi ni yihi ma tirhisiwaka hi Xirho lexi xi nga ni vutihlamuleri kumbe mutirhela-tiko eka xiyenge xoloxo loyi, hikwalaho ka ku avanyisiwa ka ntirho eka ndzawulo yaleyo, a tirhanaka ni mhaka yaleyo;

"Va Nkwama wa Rixaka" swi vula vulawuri bya timali ta rixaka eka Vutirheli bya Tiko lebyi byi haverisiweke Ndzawulo ya Tihakelelo ta Tiko leti ti vuriwaka eka Nawu wa Vutirheli bya Tiko, 1994, naswona lebyi matimba ya byona hi mayelana ni mhaka yihi ni yihi ma tirhisiwaka hi Holobye wa Timali kumbe mutirhela-tiko eka ndzawulo loyi, hikwalaho ka ku avanyisiwa ka ntirho eka ndzawulo yaleyo, a tirhakenaka ni mhaka yaleyo;

"Vumbiwa" ri vula Nawu wa Vumbiwa wa Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993);

"xiavo" ri vula xiavo lexi xi kombisiweke eka xitandzhaku xa Nawu wa mpimanyeto;

"xikweleti xa Xifundzankulu" swi vula mali leyi yi lombiweke hi Xifundzankulu hi ku landza nawu wihi ni wihi kumbe leyi yi hlengeletaneke eka Xifundzankulu hi ku landza xiyenge xa 239 xa vumbiwa naswona leyi yi faneleke ku kutsuriwa yi huma eka Nkwama wa Mali ya Tiko wa Xifundzankulu;

"xileriso" swi vula xileriso lexi xi humesiweke hi Va Nkwana hi ku landza xiyenge xa 25;

"Xinawana" ri vula xinawana lexi xi endliweke hi Xirho lexi xi nga ni vutihlamuleri hi ku landza xiyenge xa 24;

"Xirho lexi xi nga ni vutihlamuleri" swi vula Xirho xa Huvonkulu ya Xifundzankulu lexi xi nga ni vutihlamuleri bya timhaka ta timali.

(2) Xihi ni xihi lexi xi vuriwaka eka nawu wihi ni wihi hi mayelana na Nkwama wa Mali ya Tiko ya Mfumo swi ta tekiwa ku va swi vula Nkwama wa Mali ya Tiko ku fikela ntsena laha matimba malamo ma haverisiwile Xifundzankulu.

KAVANYISA KA I

MALI YA TIKO, TIHAKELELO NA SISITEME YA MATIRHIWELA YA TINKONTA

Tinkonta ta Nkwama wa Mali ya tiko

2. Va Nkwama va fanele ku endla makungu etibukwini ta vona hi tihelo ra Nkwama wa Mali ya Tiko ku endlela Nkonta ya Mali ya Tiko leyi yi faneleke ku amukela mali ya tiko leyi yi hlengeletanaka eka yona hi ku landza Nawu lowu kumbe nawu wihi ni wihi wun'wana, naswona laha eka yona ku hakeriwaka tihakelelo hinkwato no hakeriwa mintsengo yihi ni yihi leyi yi rhwexiweke yona hi ku landza Nawu lowu kumbe nawu wihi ni wihi wun'wana.

Nkonta ya Nkwama

3. (1) (a) Va Nkwama va fanele ku hlayisa eBangi, nkonta, leyi nhlokomhaka ya yona yi nga "Nkonta ya Nkwama wa Xifundzankulu", laha eka yona, ku faneleke ku va ku dipozitiwa timali ta tiko hinkwato.

(b) Tidipoziti teto ti fanele ku endliwa hi siku rin'wana na rin'wana ra ntirho leri ri faneleke.

(2) Bangi, hi siku rin'wana na rin'wana leri ri faneleke ra ntirho, yi fanele ku nyika Va Nkwama, hi xivumbeko lexi Va Nkwama va nga ha bohaka, tirhisiti/tinhlayo ta mali ya tiko leyi yi dipozitiweke eka Nkonta ya Nkwama.

(3) Va Nkwama va nga ha tirhisa timali tihi ni tihi leti ti nga eka Nkota ya Nkwama ku endlela ku hakelela tihakelelo leti ti nga rhwexiwaka nkonta leyi yi vuriwaka eka xiyenge xa 2.

(4) Va Nkwama, ku ya hi makungu ya Nawu lowu, va fanele ku vonisisa leswaku hi minkarhi hinkwayo ku na timali leti ti ringaneke eka Nkonta ya Nkwama ku endlela ku hundzisela hi ku landza xiyenge xa 9(1).

Maavele ya timali eka Nkwama wa Mali ya Tiko ni mimpimanyeto ya tihakelelo na mali ya tiko

4. (1) Timali leti ti nga eka Nkwama wa Mali ya Tiko ya Xifundzankulu ti fanele ku averiwa Huvo yo Endla Milawu ya Xifundzankulu tani hi timali leti ti kokiwaka eka Nkonta ya Mali ya Tiko hi Nawu wa mpimanyeto kumbe hi Nawu wun'wana ku endlela swilaveko swa Xifundzankulu: Ku ri leswaku ku fikela nkarhi lowu makungu ya nga ta va ya endliwile eka Nawu wa mpimanyeto hi swikongomelo swa swilaveko sweswo hi lembe ra timali, timali toleto ti fanele ku tekiwa ti averiwile hi Nawu ku endlela swilaveko swoleswo, ku ya hi swipimelo leswi swi landzelaka:

- (a) hi tlhelo ra tin'hwetlwa ta mune leto sungula ta lembe ra timali leri yelanaka, ti nga vi ehenhla ka 45 wa tiphesente ta; na
- (b) hi tlhelo ra n'hwetlwa yin-wana na yin-wana ya leti ti landzelaka, ti nga vi ehenhla ka 10 ra tiphesente ta; na
- (c) eka hinkwato, ti nga vi ehenhla ka, ntsengo lowu wu pimanyetiweke hi Huvo yo Endla Milawu ya Xifundzankulu, hi Nawu wa mpimanyeto wa lembe ra timali leri ra ha ku hundzaka.

(2) Leswi humesiweke hikwalaho ka xipimelo xa xiyengenyana xa (1) swi fanele ku tekiwa swi ri swilo leswi swi humesiweke hikwalaho ka Nawu wa mpimanyeto wa lembe ra timali leri ku vulavuriwaka harona, naswona tani hi leswi swi kokiwaka eka Nkonta ya Mali ya Tiko.

(3) Timali leti ti tekiwaka ti pimanyetiweke tani hilaha swi boxiweke hakona eka xipimelo xa xiyengenyana xa (1) ti fanele ku tirhisiwa ntsena eka mintirho leyi tihakelelo ti pfumeleriweke hi Nawu wa mpimanyeto hi lembe ra timali leri ra ha ku hundzaka, kumbe hi tlhelo ra leti ku nga ni mpfumelelo wun'wana hi Nawu wun'wana.

(4) Loko ku tirhisiwa xiyenge lexi, laha—

- (a) Xifundzankulu xi nga amukelangiki Nawu wa mpimanyeto tani hileswi a wu nga si va kona; kumbe
- (b) mintirho yin'wana yi rhwexiweke Xifundzankulu endzhaku ka loko ku pasisiwile Nawu wa mpimanyeto wa lembe ra timali leri nga hundza, hi tlhelo ra ndzimana ya (a), ntsengo hinkwawo lowu tiphesente leti ti yelanaka ti vekiweke ehenhla ka wona, wu bohiwa hi Xirho lexi xi nga ni vutihlamuleri naswona hi tlhelo ra ndzimana ya (b) ntsengo hinkwawo wa Nawu wa mpimanyeto wa lembe leri ri nga hundza wu tlakusiwa hi ku durha ka ntirho walowo lembe hinkwaro kutani mintirho yaleyo, ku endlela makungu ya xiyengenyana xa (3), yi tekiwa yi ri xiphemu xa Nawu wa Mpimanyeto lowu yelanaka.

(5) Xirho lexi xi nga ni vutihlamuleri—

- (a) hi lembe ra timali rin'wana ni rin'wana, hi xivumbeko lexi xi vekiweke hi Holobye loyi a nga ni vutihlamuleri bya Timhaka ta Timali ta Rixaka, xi fanele ku nyiketa Huvo yo Endla Milawu ya Xifundzankulu, mpimanyeto wa mali ya tiko na mpimanyeto wa tihakelelo leti ti faneleke ku hakeriwa ti huma eka Nkonta ya Mali ya Tiko; naswona

- (b) xi nga ha nyiketa eka Huvo yo Endla Milawu ya Xifundzankulu, mpimanyeto lowu wu hundzuluxiweke lowu wu nga ta hakeriwa tano.

Nkarhi wa ku tirha wa Nawu wa mpimanyeto, na tihakelelo eka lembe ra timali

5. (1) Nawu wa mpimanyeto a wu fanelangi ku tekiwa tani hiloko wu nyika mpfumelelo wo tirhisa timali leti ti pimanyetiweke hi wona eka lembe ra timali handle ka lembe ra timali leri ri yelanaka leri ri boxiweke.

(2) Ku ya hi makungu ya xiyengenyana xa (3) na xiyenge xa 7, tihakelelo ta lembe ra timali rin'wana ni rin'wana ti fanele ku hakeriwa hi ku ya hi milawu leyi yi vekiweke ya mimpimanyeto naswona, hi tlhelo ra xiavo xin'wana ni xin'wana, hi ku ya hi nhlokomhakankulu ya kona, laha vuxoko-xoko bya kona byi faneleke ku va byi ri eka mimpimanyeto ya tihakelelo na le ka mimpimanyeto leyi yi hundzuluxiweke.

(3) Tihakelelo ta ntirho lowu hi tlhelo ra wona a ku ri hava kumbe ku endliweke makungu lama ma nga ringanangiki eka Nawu wa mpimanyeto, a ti fanelanga ku tekeriwa enhlokweni tani hi xuma xa mahetelelo lexi xi humesiwaka eka xiavo, handle ka loko—

- (a) hi tlhelo ra makungu lama ma nga ringanangiki, sasela eka nhlokomhakankulu yihi ni yihi ya xiavo lexi xi khumbekaka ri ri eku tirhisiweni eka tihakelelo toleto, handle ka loko Va Nkwama va letela hi ndlela yin'wana; kumbe
- (b) Xirho lexi xi nga ni vutihlamuleri xi rhangxe xi nyika mpfumelelo wa kona wo tsariwa hi ku landza xiyenge xa 7.

Tiayitheme ta rixaxa ra 2

6. (1) Mintsengo leyi yi kombisiweke eka "Rixaxa ra 2" ra xitandzhaku xa Nawu wa mpimanyeto hi tlhelo ra xiavo xihi ni xihi, ku ya hi makungu ya xiyenge xa 7(1)(b)(ii), a yi fanelanga ku tluriwa, naswona masalela ehenhleri ka yona, hi mpfumelelo wa Xirho lexi xi nga ni vutihlamuleri, ya nga ha tirhiseriwa ku pfala tihakelelo tihi ni tihi tin'wana leti hi tlhelo ra tona a ku endliwile mpimanyeto wo ka wu nga ringanangi eka xiavo xolexo.

(2) Ntsengo lowu wu kombisiweke eka "Rixaxa ra 2" ra xitandzhaku xa Nawu wa mpimanyeto hi tlhelo ra xiavo xihi ni xihi, wu nga ha tlakusiwa hi xiphemu xo karhi xa timali leti ti pimanyeteriweke Xiavo: Ku antswisiwa ka swipimelo swa ntirho wa Xifundzankulu tani hilaha mutirhela-tiko wa tinkonta wa Xiavo xolexo hi ku tsundzuxana ni Va Nkwama a nga ha bohaka hakona.

Mpfumelelo hi Xirho lexi xi nga ni vutihlamuleri eka ku tirhisa timali eka matshamelo man'wana ya timhaka

7. (1) Hambileswi ku nga ni makungu ya swiyenge swa 4 na 6, Xirho lexi xi nga ni vutihlamuleri xi nga ha nyika mpfumelelo wa leswaku timali leti ti nga eka Nkwama wa Mali ya Tiko ti tirhisiwa hi lembe ra timali—

- (a) ku pfala tihakelelo ta muxaka wo hlawuleka leti ti nga endleri-wangiki makungu eka Nawu wa mpimanyeto naswona leti ti nga ta ka ti nga tlheriseriwi endzhaku handle ko onha swinene swinavelo swa vaaka-tiko ku kondza ku endliwa mpimanyeto wa tona hi Huvo yo Endla Milawu ya Xifundzankulu; kumbe

(b) ku pfala—

- (i) tihakelelo hi tlhelo ra ntluriso lowu wu languteriwaka eka xiavo leti ti nga ta ka ti nga tlheriseriwi endzhaku handle ko onha swinene swinavelo swa vaaka-tiko ku kondza ku endliwa mpimanyeto wa tona hi Huvo yo Endla Milawu ya Xifundzankulu; na
- (ii) tihakelelo hi tlhelo ra ntluriso wa mintsengo lowu languteriwaka leti ti kombisiweke eka "Rixaxa ra 2" ra xitandzhaku xa Nawu wa mpimanyeto: Ku ri leswaku ntsengo hinkwawo hi tlhelo leri mpfumelelo wu nga ha nyikiwaka hi ku landza xiyenge lexi, a wu fanelangi ku va hi nkarhi wihi na wihi wu tlula ntsengo lowu ringanaka tiphesente timbirhi ta ntsengo hinkwawo lowu pimanyetiweke hi Nawu wa mpimanyeto wa nkarhi wolowo kumbe lowu wu kumekaka hikwalaho ka kungu ra xipimelo ra xiyenge xa 4(1).

(2) Magoza ya fanele ku tekiwa, ku nga si hundza ntshamo lowu landzelaka wa Huvo yo Endla Milawu ya Xifundzankulu, yo avela mintsengo yihi ni yihi leyi yi nga tirhisiwa kumbe yi nga ta tirhisiwa hi ku landza xiyengenyana xa (1).

(3) Mpumelelo lowu wu vuriwaka eka xiyengenyana xa (1) wu nyikiwa ntsena loko wu landzelela swihlawulekisi leswi swi hlamuseriweke eka nhlamuselo ya "mpimanyeto lowu wu hundzuluxiweke" eka xiyenge xa 1(1).

Matimba ya Va Nkwama yo pimela kumbe ku yimisa ku vangiswa ka tihakelelo

8. (1) Hambiloko ku ri na swin'wana leswi swi kanetaka leswi nga eka nawu wihi ni wihi, ku katsa na nawu wihi ni wihi lowu mali yi pimanyeteriwaka vandla rihi ni rihi ra xinawu, nkwama kumbe nkonta, ku averiwa hi Nawu wa mpimanyeto, kumbe mpumelelo lowu wu nyikiweke hi ku landza xiyenge xa 7, ku fanele ku tekiwa tani hiloko swi kombisa ntsena ntsengo wa makisimamu lowu nga ha tirhisiwaka ku endlela ntirho kumbe xikongomelo lexi xi khumbekaka, kutani Va Nkwama va nga ha tlherisa kumbe ku yimisa ku hakeriwa ka timali leti ti nga pimanyetiwa kumbe leti hi tlhelo ra tona mpumelelo wu nyikiweke hi ku landza xiyenge xa 7(1), loko hi mavonele ya Va Nkwama, tshamele ra timhaka ri endla leswaku ku tlherisa koloko kumbe ku yimisa ku laveka.

(2) Va Nkwama va fanele ku hlayisa rhekhodo ya ku tlherisa kun'wana na kun'wana kumbe ku yimisa hi ku landza xiyengenyana xa (1) naswona handle ko hlwela, va fanele ku tivisa mutirhela-tiko wa tinkonta loyi a khumbekaka na Oditara Jenerala hi ta ku tlherisa kun'wana na kun'wana koloko kumbe ku yimisa.

(3) Ntsengo wihi ni wihi lowu ku hakeriwaka wona ku tlhelerisiweke endzhaku kumbe ku yirisiweke hi ku landza xiyengenyana xa (1) wu nga ha tirhisiwa eka lembe ra timali leri khumbekaka hi xikongomelo lexi xi pfumeleraweke hi Va Nkwama.

(4) Va Nkwama va fanele ku hlayisa rhekodo, naswona handle ko hlwela va tivisa Oditara Jenerala, hi ta mpumelelo wun'wana ni wun'wana lowu nyikiweke hi ku landza xiyengenyana xa (3).

Nkonta ya Muholeri Jenerala

9. (1) Ku tlhandlekela ehenhla ka Nkonta Ya Nkwama, Va Nkwama va Fanele ku Hlayisa eBangi, nkonta leyi yi nga na nhlokomhaka ya "Nkonta ya Muholeri Jenerala" naswona va nga ha endla leswaku mali yo karhi eka timali tihi ni tihi—

- (a) leti ti averiweke hi nawu;
- (b) leti, hikwalaho ka makungu ya xiyenge xa 7, ti nga ha tirhisiwaka hi xikongomelo xihi ni xihi; kumbe.
- (c) ti tekiwa ti pimanyetiwele hi nawu, tani hilaha ti komberiweke hi ku landza xiyengenyana xa (3), leswaku ti hundziseriwa ku suka eka Nkonta ya Nkwama ti ya eka Nkonta ya Muholeri Jenerala.

(2) (a) Va Nkwama va fanele ku nyika mutirhela-tiko wa tinkonta, hi xikombelo xa yena, naswona ku sukela eka timali ta Nkonta ya Muholeri Jenerala, khirediti laha eka yona a faneleke ku hakelela minthirho leyi a nga ni vutihlamuleri eka yona.

(b) Va Nkwama va nga ha pimela ku nyikiwa ka khirediti leyi yi vuriwaka eka ndzimana ya (a) yi va mintsengo leyi hi ku vona ka vona, yi lavekaka ku endlela ku hakela tihakelo ta nkarhi walowo hi tlhelo ra ntirho kumbe xikongomelo lexi yi nga ha tirhiseriwaka xona.

(3) Va Nkwama a va fanelangi ku nyika khirediti hi tlhelo ra ntsengo lowu ku hakeriwa ka wona ku tlhelerisiweke endzhaku kumbe ku yimisiwa hi ku landza xiyenge xa 8(1) handle ka loko mpfumelelo wu nyikiwile hi ku landza xiyenge xa 8(3).

(4) Mutirhela-tiko wa tinkonta u fanele ku hlayisa nkonta ya tikhirediti hinkwato leti a nyikiweke tona hi ku landza xiyengenyana xa (2) kun'we ni tihakelo hinkwato leti ti humaka eka tona.

(5) Mutirhela-tiko wa tinkonta, ku tlhandlekela eka timali ta Tiko, a nga ha dipozita timali tin'wana leti a nga ni vutihlamuleri eka tona eka Nkonta ya Muholeri Jenerala naswona a nga ha endla tihakelo ku sukela eka nkonta yaleyo.

(6) Hi mayelana ni nkonta ya Muholeri Jenerala, Va Nkwama wa Xifundzankulu va fanele ku hlayisela mutirhela-tiko wa tinkonta un'wana na un'wana, nkonta ya tikhirediti hinkwato, tidipoziti, tihakelo ni timali leti tekiweke.

(7) Mutirhela-tiko wa tinkonta xikan'we-kan'we loko swi koteka, endzhaku ko pfala tinkonta ta yena ta lembe ra timali rihi na rihi, u fanele ku tlherisela Va Nkwama leswaku va dipozita nakambe eka Nkonta ya Nkwama timali tihi ni tihi leti ti nga tirhisiwangiki leti hi tlhelo ra tona a amukeleke tikhirediti hi ku landza swiyengenyana swa (2) na (8), kutani Va Nkwama va fanele ku khiredita nkonta ya Nkwama wa Mali ya Tiko leyi a yi rhwexiwile tihakelelo leti a ti anakanyiwile leti ti khumbekaka.

(8) Loko swo tikomba endzhaku ka siku ra 31 Nyenyankulu ra lembe ra timali rihi ni rihi leswaku tihakelelo hi mutirhela-tiko wa tinkonta eka mintirho ya lembe ra timali rolero ti nga ha tlula ntsengo wa khirediti lowu a nyikiweke hi Va Nkwama hi ku landza xiyengenyana xa (2), hi ku hatlisa tani hilaha swi nga kotekaka, ku ri leswaku timali leti ti faneleke ta lembe ra timali rolero ta hari kona eka xiavo lexi khumbekaka, u fanele ku kombela eka Va Nkwama a kombela khirediti yo pfala ntluriso walowo hi ndlela leyi yi vekiweke eka swiyengenyana swa (1) na (2) va nga ha nyika khirediti leyi yi lavekaka na ku endla leswaku timali leti ku vulavuriwaka hatona ti hundziseriwa hi lembe ra timali leri ri landzelaka.

(9) Mutirhela-tiko wa tinkonta u fanele ku pima ntsengo lowu wu komberiwaka hi yena wa tikhirediti eka Va Nkwama, wu va mintsengo leyi hi ku vona ka yena yi ringaneke ku eneta tihakelo ta yena ta n'hweti na n'hweti, naswona Va Nkwama wa Xifundzankulu ku ya hi makungu ya xiyenge xa 8(1), va fanele ku nyika tikhirediti ku fikela eka mintsengo yaleyo naswona eka mintsengo yaleyo ntsena.

(10) Va Nkwama va pima ntsengo lowu wu komberiwaka eka Va Nkwama hi tlhelo ra timali leti ti hlengeletaneke eka wona hi ku landza xiyenge xa 155(2) (e) xa Vumbiwa tani hi ntsengo lowu wu kokiwaka eka Nkonta ya Mali ya Tiko ya Mfumo, wu fika eka mintsengo leyi yi lavekaka ku pfala tihakelelo ta vona ta nkarhi walowo, naswona Va Nkwama wa Rixaka, va fanele ku nyika khirediti ya mintsengo yaleyo.

(11) Hambiloko ku ri na swin'wana leswi swi kanetaka leswi swi nga eka xiyenge lexi, Va Nkwama, hi xikombelo xa Matsalani wa Huvo yo Endla Milawu ya Xifundzankulu, va nga ha hakela Matsalani loyi a vuriwaka, timali leti ti aveleriweke mintirho ya Huvo yo Endla Milawu ya Xifundzankulu, kumbe leti, hikwalaho ka makungu ya xiyenge xa 7, ti nga ha tirhiseriwaka swoleswo, kumbe ti tekiwaka ti pimanyeteriweke swona hi nawu, kutani Va Nkwana hi xikongomelo xolexo, va fanele ku nyika khirediti eka Matsalani loyi a vuriwaka.

(12) Va Nkwama va nga ha tirhisa nkarhinyana timali leti ti nga eka Nkonta ya Muholeri Jenerala, leti hi ku vona ka vona, ti nga kona hi xikongomelo xolexo—

- (a) ku nyika timali leti ti pfeke ti hakeriwile eka mutirhela-tiko wa tinkonta hi swipimelo leswi va nga ha swi bohaka;
- (b) ku hundzisela eka Nkonta ya Nkwama hi swikongomelo swo hakelela minkayivelo leyi languteriwaka eka nkonta yaleyo, naswona timali leti ti hundziseriweke hi ndlela yaleyo ti ta tekiwa ti ri timali leti ti lombiweke hi ku ya hi makungu ya nawu; na
- (c) ku endlela ku vekisa nkarhinyana hi swipimelo leswi va nga ha swi bohaka.

Matimba ya Va Nkwama ku tirhisa timali leti ti nga eka Nkonta ya Nkwama hi tlhelo ra swikongomelo swin'wana

10. (1) Va Nkwama va nga ha tirhisa timali leti ti nga kona eka Nkonta ya Nkwama—

- (a) hi tlhelo ra ku vekisa nkarhinyana eRiphabliki hi swipimelo leswi va nga ha swi bohaka;
- (b) hi tlhelo ra ku hakela minondzo leyi yi nga enawini leyi yi sukelaka eka garantiya, ku rivalela kumbe vahlayiseki lebyi byi nyikiweke hi kumbe byi hlengeletaneke eka Xifundzankulu; na
- (c) hi tlhelo ra ku tlherisela mali leyi yi hakeriweke eka Nkonta ya Nkwama hi ku copeta kumbe hi xihoxo.

(2) Timali leti ti tirhisiwaka ku ya hi xiyengenyana xa (1) ku endlela swikongomelo swo karhi, ti fanele ku tekiwa ti pimanyetiwele hi xikongomelo xolexo.

(3) Xirho lexi xi nga ni vutihlamuleri tani hilaha swi hlamuseriweke eka xiyenge xa 22(7) xi fanele ku andlala eka Huvo yo Endla Milawu ya Xifundzankulu, hi ku hatlisa hilaha swi nga kotekaka xikomba-tinkonta lexi xi kombisaka matirhisiwele ya timali hi ku landza xiyengenyana xa (1)(b).

Mpfumelelo wo pfula tiakhawunti ebangini

11. (1) Akhawunti hi tlhelo ra Mali ya Tiko yi nga ha pfuriwa ntsena hi mpfumelelo wo tsariwa wa Va Nkwama ebangini naswona loko akhawunti yi pfuriwile tano, bangi leyi yi khumbekaka a yi nga pfumeli leswaku timali ta akhawunti ti kokiwa ku tlula mali leyi nga vekisiwa, ku ya hi xiyenge xa 157(2) xa Vumbiwa.

(2) Va Nkwama lembe na lembe va fanele ku pfluxeta maaviwele ya tiakhawunti ta le bangini eka bangi hi tlhelo ra Nkonta ya Nkwama na Nkonta ya Muholeri Jenerala hi ku tsundzuxana na va Bangi ya Rhizevhe ya Afrika Dzonga.

Ku simeka tinkonta ta bindzu ni tinkonta leti ti yelanaka

12. (1) Va Nkwama va nga ha nyika mutirhela-tiko wa tinkonta matimba yo simeka tinkonta ta bindzu ni tinkonta leti ti yelanaka hi tlhelo ra mintirho ni nhundzu leyi Xifundzankulu xi tiendlelaka xona n'wini kumbe xiakelwa-vupfuneti xihi ni xihi xin'wana.

(2) Tihakelelo hi tlhelo ra ku nyika mintirho ni nhundzu leyi yi vuriwaka eka xiyengenyana xa (1), tani hilaha swi bohiweke hi Va Nkwama ti fanele ku hakeriwa hi timali leti ti humaka eka tinkonta—

- (a) leti ti averiweke hi Huvo yo endla Milawu ya Xifundzankulu;
- (b) leti, hambiloko ku nga vaka ku ri na swin'wana leswi swi kanetaka eka Nawu lowu kumbe leswi kumekaka eka nawu wihi ni wihi wun'wana, ti amukeriweke hi ku hakeleriwa ka mintirho ni nhundzu leswi swi vuriweke eka xiyengenyana xa (1);
- (c) leti ti kumiweke hi ku xavisa tinhundzu leti ti nga ha pfuniki nchumu ni leti ti nga ha lunghisekiki leti ti yelanaka na ku kumeka ka mintirho ni nhundzu leyi ku vulavuriwaka hayona;
- (d) leti ti kumekeke hi ku twanana na Va Nkwama ti suka eka xihlovo xihi ni xihi xin'wana.

(3) Nkwama wa Mali ya Tiko wu fanele ku khireditiwa hi mpindzulo wihi ni wihi eku heleni ka lembe ra timali naswona ndzahlekelo wihi ni wihi wu fanele ku kutsuriwa hi timali leti ti pimanyetiweke.

Tisisiteme ta mahlayisiwele ya tibuku ni matirhiwele ya tinkonta

13. Va Nkwama, endzhaku ko tsundzuxana ni Oditara Jenerala, va fanele ku nyika vuleteri, hindlela leyi va vonaka swi fanela, eka vatirhela-tiko va tinkonta mayelana na tisisiteme ta mahlayisiwele ya tibuku na matirhiwele ya tinkonta leti fanelaka ku landzeleriwa hi vona naswona va nga ha veka tisisiteme to karhi ta mahlayisiwele ya tibuku ni matirhiwele ya tinkonta lawa vatirhela-tiko va tinkonta va fanelaka ku ya landzelela.

Matirhiwele ya tinkonta hi tlhelo ra Nkonta ya Nkwama ni malulamisiwele ya swikomba-tinkonta

14. (1) Va Nkwama va fanele ku va ni vutihlamuleri eka Nkonta ya Nkwama naswona va fanele ku hlayisa tinkonta toleto na tirhekhodo tani hilaha ti nga ha lavekaka ku tirhisa vulawuri lebyi byi faneleke ehenhleni ka Nkwama wa Mali ya Tiko.

(2) Va Nkwama, xikwan'we-kan'we tani hilaha swi nga ha kotekaka endzhaku ka ku hela ka n'hwetl yin'wana na yin'wana, va fanele ku endla leswaku swikomba-tinkonta swi kandziyisiwa eka *Gazete ya Xifundzankulu* swi kombisa leswi swi amukeriweke eka na leswi swi hundziseriwaka swi huma eka Nkonta ya Nkwama eka nkarhi lowu sungulaka hi siku ro sungula ra lembe ra timali leri ri yelanaka ku fika eku heleni ka n'hwetl yaleyo ku katsa ni minsalo eka Nkonta ya Nkwama eku sunguleni ni le ku heleni ka nkarhi walowo.

(3) Xikan'we-kan'we tani hilaha swi nga ha kotekaka endzhaku ka loko tinkonta hi tlhelo ra lembe ra timali rihi ni rihi ti pfariwile, kambe eka mhaka yihi ni yihi ku nga si hela tin'hwetl ta ntlhanu endzhaku ka ku pfariwa ka lembe ra timali, Va Nkwama va fanele ku lulamisa swikomba-tinkonta, tani hilaha swi vekiwake hi Va Nkwama wa Rixaka, swa —

- (a) nkonta ya Nkwama;
- (b) Nkwama Mali ya Tiko;
- (c) Nkonta ya Muholeri Jenerala;
- (d) Xikweleti xa Xifundzankulu na ntsengo wa xikweleti lexi xi endliweke no kutsuriwa elembeni ra timali;
- (e) ntswalo ni mimpindzulo leswi swi amukeriweke eka tinkonta ta Nkwama wa Mali ya Tiko na ntswalo lowu wu hakeriweke ehenhleni ka xikweleti xa Xifundzankulu;
- (f) timali hinkwanto letin'wana leti ti lawuriwaka hi Va Nkwama.

(4) Va Nkwama ku nga si hela nkarhi eka ku seketela Nkwama wa Mali ya Tiko lowu wu vuriwaka, eka xiyengenyana xa (3) hi mayelana na lembe ra timali leri ri vuriwaka, va fanele nakambe va lulamisa swikomba-tinkonta, hi tlhelo ra lembe ra timali leri ku vulavuriwaka harona, ta leswi swi amukeriweke eka mimpimanyeto ya mali ya tiko na leyi yi hundziseriweke ku suka eka Nkonta ya Nkwama hi mayelana na xin'wana na xin'wana xa swiavo leswi kombisiweke eka Nawu wihi ni wihi wa mpimanyeto wa lembe rero.

(5) Va Nkwama va fanele ku rhumela swikombisa-tinkonta leswi swi vuriwaka eka swiyengenyana swa (3) na (4) eka Oditara Jenerala leswaku a ya swi kambisisa xikan'we-kan'we loko swi lulamisiwile.

Tinkonta ta Maavele

15. (1) Mutirhela-tiko wa tinkonta, xikan'we-kan'we hilaha swi nga kotekaka, kambe ku nga si hela tin'hwetl ta mune endzhaku ko hela ka lembe ra timali, u fanele ku lulamisa no rhumela eka Oditara Jenerala leswaku a kambisisa nkonta ya mpimanyeto hi tlhelo ra lembe rolero naswona hi tlhelo ra xiavo xin'wana na xin'wana lexi nga ehansi ka vulawuri bya yena, naswona hi nkarhi walowo u fanele ku rhumela kopi ya yona eka Va Nkwama: Ku ri leswaku Oditara Jenerala, eka mhaka yihi ni yihi laha a vonaka swi lulamile, a nga ha pfumelela ku lehisiwa ka nkarhi wo tisiwa ka nkonta leyi yi lavekaka, nkarhi lowu hi mavonele ya yena wu lavekaka ku endlela ku hetisiwa ka yona.

(2) Eka nkonta ya nkavelo, mutirhela-tiko wa tinkonta, hi tlhelo ra nhlokomhaka yin'wana na yin'wana ya xiavo u fanele ku boxa—

(a) eka tlhelo ra yona ra swiamukelwa, ntsengo lowu wu kombisiweke wa lembe ra timali leri ku vulavuriwaka harona—

(i) eka mimpimanyeto ya tihakelelo na mimpimanyeto leyi yi hundzuluxiweke; na

(ii) mimpfumelelo leyi yi nyikiweke hi ku landza xiyenge xa 7 leyi yi nga pimaryetiwangiki hi ku landza xiyengenyana xa (2) xa xiyenge xolexo: Ku ri leswaku ku hambanisiwa swi va erivaleni exikarhi ka swiamukelwa leswi vuriwaka eka tindzimana ta (1) na leyi;

(b) eka tlhelo ra yona ra tihakelelo, ntsengo lowu wu tirhisiwaka hi xiviri hi nkarhi lowu fanaka: Ku ri leswaku ntsengo wihi ni wihi lowu wu pfeke wu hakeriwa hi mutirhela-tiko ku pfala tihakelelo leti ti languteriweke lowu wu nga seketeriwangiki hi swikombisa—mali leswi swi amukelekaka swa tihakelelo, a wu fanelanga ku ngenhisiwa eka tlhelo ra tihakelelo.

(3) Nkonta ya nkavelo yin'wana na yin'wana leyi yi nyikiwaka Oditara Jenerala, yi fanele ku famba swin'we na—

(a) tinhlamuselo ta swivangelo swa ku hambana loku ku nga henhla ka tiphesente timbirhi, exikarhi ka tihakelelo ni ntsengo lowu wu languteriwaka eka xiyengenyana xa (2)(a);

(b) xikombiso xa ntsengo wa nsalo wihi ni wihi lowu wu nga ta vuyisiwa kumbe nkayivelo wihi ni wihi;

(c) xikomba-tinkonta hi tlhelo ra nsalo wa lembe ra leri ri rhangake, loko wu ri kona, xa leswaku wu vuyisiwile;

(d) xikombiso xa nhlayo ya le xikarhi ya ndzinganiso wihi ni wihi eka nkonta leyi yi yimisiweke leyi yi nga ha kokiwaka eka xiavo.

(4) Tinkonta ta nkavelo na vuxokoxoko lebyi byi nyikiwaka hi ku landza xiyenge lexi, ti fanele ku sayiniwa hi mutirhela-tiko wa tinkonta.

(5) (a) Loko hi ku ya hi xiyenge xa 17(1) munhu a rhwexiwa vutihlamuleri bya matirhiwele ya tinkonta ya timali ta Tiko ni nhundzu ya Tiko hi tlhelo ra xiphemu xihi ni xihi xo karhi xa xiavo, vuxokoxoko leyi byi yelanaka na xiphemu xolexo ku fanele ku tirhaniwa na byona byi ri byoxe eka nkota ya nkavelo hi tlhelo ra xiavo lexi ku vulavuriwaka haxona.

(b) Munhu loyi a vuriwaka eka ndzimana ya (a), u fanele ku nyika mutirhela-tiko wa tinkonta loyi a khumbekaka vuxokoxoko lebyi ringaneke ku endlela leswaku a kota ku landzelela makungu ya swiyengenyana swa (1), (2) na (3).

Mutirhela-tiko wa tinkonta

16. (1) (a) Ku ya hi makungu ya ndzimana ya (b), Mulawuri Jenerala, loyi a thoriweka hi ku landza Nawu wa Vutirheli bya Tiko, 1994, wa Xifundzankulu, u fanele ku va mutirhela-tiko wa tinkonta.

(b) Holobyenkulu a nga ha veka mutirhela-tiko wihi ni wihi tanihi mutirhela-tiko wa tinkonta wa xiavo xo karhi.

(2) Mutirhela-tiko wa tinkonta u fanele ku tirhisa matimba lama a haverisiweke wona ni ku tirha timfanelo leti a nyikiweke tona hi nawu, hi swinawana swa timali, hi Swileriso swa Va Nkwama kumbe hi Va Nkwama.

(3) Handle ka loko swi leteriwele hi ndlela yin'wana hi Va Nkwama, mutirhela-tiko wa tinkonta wa vandla ra xinawu leri ri nga vekeriwangiki mutirhela-tiko wa tinkonta ku ya hi makungu ya nawu wihi ni wihi, ku fanele ku va mufambisinkulu wa makungu wa vandla ra xinawu rolero.

(4) Hi nkarhi lowu mutirhela-tiko wa tinkonta a nga riki kona, matimba ya yena ma ta tirhisiwa naswona timfanelo ta yena ti ta endliwa hi mutirhela-tiko loyi a tirhaka ematshan'wini ya yena.

Vutihlamuleri bya matirhiwele ya tinkonta ya timali ta Tiko na nhundzu ya Tiko hi munhu loyi a nga riki mutirhela-tiko wa tinkonta

17. (1) Va Nkwama, hambileswi ku nga ni makungu ya xiyenge xa 16, va nga ha rhwexa munhu loyi a nga riki mutirhela-tiko wa tinkonta, hi vutihlamuleri bya matirhiwele ya tinkonta ya—

- (a) timali ta Tiko leti ti amukeriweke no hakeriwa hi munhu yaloye;
- (b) nhundzu ya Tiko leyi yi kumiweke, amukeriweke, hlayisiweke kumbe ku endla swin'wana hi yona hi munhu yaloye, hi tlhelo ra nkonta ya bindzu na nkonta leyi yelanaka, leyi yi simekiweke hi ku ya hi xiyenge xa 12(1), kumbe xiphemu xo karhi xa xiavo lexi tinkonta ta xona ti hlayisiwaka ti hambanile.

(2) Loko munhu ku ya hi xiyengenyana xa (1) a rhwexiwa vutihlamuleri bya matirhiwele ya tinkonta ya timali ta Tiko na nhundzu ya Tiko hi tlhelo ra nkonta ya bindzu ni nkonta leyi yi yelanaka kumbe xiphemu xihhi ni xihhi xo karhi xa xiavo, Va Nkwama va nga ha nyiketa munhu yaloye matimba ni timfanelo tihi ni tihi kumbe matimba hinkwawo ni timfanelo leti ti vuriwaka eka xiyenge xa 16(2) leswi mutirhela-tiko wa tinkonta a nga ha swi tirhisaka kumbe a navekaka ku swi endla hi tlhelo ra nkonta ya bindzu yaleyo kumbe nkonta leyi yelanaka kumbe xiphemu xa xiavo.

(3) Matimba kumbe mfanelo leyi yi nyiketaweke munhu hi ku ya hi xiyengenyana xa (2) ya fanele ku tirhisiwa kumbe ku endliwa hi munhu yaloye hi tlhelo ra nkonta leyi vuriweke ya bindzu kumbe leyi yi yelanaka kumbe xiphemu xa xiavo ku nga katsiwi mutirhela-tiko wa tinkonta loyi a nga ni vutihlamuleri bya xiavo lexi nkonta yaleyo ya bindzu kumbe leyi yi yelanaka kumbe xiphemu lexi vumbaka xiphemu xa kona.

(4) Loko munhu loyi a vuriwaka eka xiyengenyana xa (1) a nga ri kona, matimba ya yena ma fanele ku tirhisiwa naswona timfanelo ta yena ti fanele ku endliwa hi munhu loyi a tirhaka ematshan'weni ya yena.

KAVANYISA KA II

MALAWULELE YA TIMALI HI KU ANGARHELA

Matimba man'wana ya Va Nkwama

18. (1) Ku ya hi makungu ya Nawu na nawu wihi ni wihi wun'wana Va Nkwama va fanele ku va ni matimba yo—

- (a) nyika vuleteri no lawula ehenhleri ka timali ta Tiko na nhundzu yin'wana ya Tiko leswaku ku ta va na vulawuri lebyi byi nga endleleni no famba hi nawu no tlakusa vunyawuri na ikhonomi eku tirhisiweni ka swona;
- (b) letela leswaku tihakelelo toleto ta Nkonta ya Mali ya Tiko tani hilaha va nga ha bohaka hakona a ti fanelanga ku endliwa handle ka loko ku kumiwile mpfumelelo;

- (c) pfumelela tihakelelo kumbe mali yin'wana kumbe mimpimo, swiyelo kumbe titharifi na tihakelo tin'wana leti to ka ti nga bohiwangiki kumbe leti kotaka ku va ti bohiwa hi kumbe hi ku landza nawu wihi ni wihi naswona hi mayelana na timali leti ti nghanaka eka, kumbe tihakelelo leti ti humaka eka Nkwama wa Mali ya Tiko, no letela leswaku ku hava tihakelelo kumbe timali kumbe mpimo, xiyelo kumbe tharifi ya tona, swi faneleke ku sunguriwa ku nga si kumiwa mpfumelelo lowu humaka eka Va Nkwama;
- (d) nyika mpfumelelo wo tirha ntirho wa mahala;
- (e) nyika mpfumelelo wo khansela ndzanhlekelo wa mali ya Tiko na tinhundzu tin'wana ta Tiko;
- (f) nyika mpfumelelo wa ku hambanisa kumbe ku khansela tikontiraka leti ti onhelaka Tiko;
- (g) lava vatirhela-tiko va tinkonta leswaku va nyiketa eka vona mbuyelo wo karhi hi tlhelo ra timhaka ta mpimanyeto naswona hi tlhelo ra mbuyelo wolowo—
 - (i) ku xopaxopa no tsundzuxa Xirho lexi xi nga na vutihlamuleri eka wona; kumbe
 - (ii) ku endla kumbe ku tirha na makungu ya kona lama ma faneleke ku va kona eka Va Nkwama wa Rixaka loko va ma kombela;
- (h) lava mutirhela-tiko wihi ni wihi wa tinkonta leswaku a nyiketa mahungu, tinhlayo, matsalwa, tinhlamuselo na swibumabumelo hi mayelana na mhaka yihi ni yihi leyi yi khumbaka timali ta Tiko kumbe nhundzu yin'wana ya Tiko;
- (i) nyika mpfumelelo wo hakela nondzo hi Xifundzankulu kumbe ehenhleni ka Xifundzankulu kumbe ku tshika nondzo hi Xifundzankulu;
- (j) pfumela kumbe ku rivalela ku ka mutirhela-tiko wa tinkonta a nga landzeleli xileriso kumbe xikombelo xin'wana lexi xi tsariweke, xileriso kumbe xipimelo xa Va Nkwama hi mayelana na mhaka yihi ni yihi;
- (k) lavisisa, ku veka no kombela tisisiteme to lawula mafambisele ya timali ta Tiko na ndundzu yin'wana ya Tiko ya Xifundzankulu no veka tisisiteme to engetela, handle ka leti ti vuriwaka eka xiyenge xa 13;
- (l) boha leswaku hi yihi vhoti kumbe nongoloko-ntsongo lowu tihakelelo ta ntirho ti faneleke ku kokiwa eka wona;
- (m) boha swipimelo leswi haswona Mali ya Tiko leyi yi kolotiwaka Xifundzankulu yi nga ha hakeriwaka ha swona, na leswaku i timali tihi ta Tiko ta Xifundzankulu ti nga ha hakeriwaka haswona;
- (n) pfumelela ku huma exikweletini, tani hi ndlela yo twela vusiwana eka timali leti ti kolotiwaka Xifundzankulu;
- (o) pfumelela ku ttheriseriwa Mali ya Tiko eka Xifundzankulu tani hi ntwela-vusiwana;
- (p) pfumelela tihakelo, tani hi ntwela-vusiwana leti ti humaka eka mali ya Tiko ya Xifundzankulu;

- (q) pfumelela tinyiko ta timali ta Tiko ta Xifundzankulu na nhundzu yin'wana ya Tiko leyi yi rhurhisekaka ya Xifundzankulu kumbe ku amukela tinyiko ta Xifundzankulu;
- (r) pfumelela ku hambana, ku hirha kumbe swin'wana leswi ku nga endliwaka swona hi nhundzu leyi yi rhurhisekaka ya Tiko ya Xifundzankulu;
- (s) kota vuleteri eka ku hlayisa no lombha mali ya thirasiti hinkwayo na nhundzu ya thirasiti nkarhinyana leyi yi vekiweke kumbe ku siyiwa leswaku yi hlayisiwa hi mutirhela-tiko wa tinkonta kumbe munhu un'wana loyi a tirhaka eka Xifundzankulu;
- (t) nyika vuleteri eka ku tirhisiwa ka mintolovelolo na mimpimo leyi yi vekiweke hi Va Nkwama wa Rixaka hi tlhelo ra ku antswisiwa ka nhundzu leyi yi nga rhurhisekiki leyi yi hakeleriwaka hi ku hetiseka kumbe hi xiphemu hi mali yo huma eka Nkwama wa Mali ya Tiko;
- (u) pfumelela ku amukeriwa ka minseketelo eka Xifundzankulu: Ku ri leswaku loko ntsengo lowu wu khumbekaka eka mhaka yihi ni yihi leyi yi languteriweke eka ndzimana ya (n), (o), (p) kumbe (q) handle ka mhaka yihi ni yihi yo tano hi mayelana na nhundzu ya Tiko leyi yi rhurhisekaka leyi tlulaka R100 000 kumbe leyi yi yelanaka na xibalo handle ka xibalo xa le ndzilikanini lexi xi vekiweke hi nawu, ku tsariwa koloko, ntlheriselo, ku hakela kumbe nyiko, a yi fanelanga ku endliwa handle ka loko timali ta xikongomelo xexo ti pimanyeteriwile sweswo hi Huvo yo Endla Milawu ya Xifundzankulu: Nakambe ku ri leswaku loko, hi mavonele ya Va Nkwama, yimele ra timhaka leti yelanaka na ku hakela hakelo, kumbe xibalo xihi ni xihi xa le ndzilikanini, yi endla leswaku ku va na mhaka yo twala yo tlherisiwa ka mali tani hi xiendlo xo komba tintswalo eka ntsengo hinkwawo kumbe xiphemu xa ntsengo lowu vuriwaka, Va Nkwama va nga ha pfumelela ku tlheriseriwa koloko ka ntsengo lowu nga tluriki R100 000, tani hi mali leyi yi kokiwaka eka xiavo lexi xi khumbekaka.

(2) Va Nkwama, hi mavonele ya vona va nga ha pfumelela ku kha-nseriwa ka ntsengo hinkwawo kumbe xiphemu xihi ni xihi xa ntsengo lowu kolotiwaka Xifundzankulu hi munhu, loko va enetisiwile leswaku—

- (a) ntsengo a wu kumeki;
- (b) ku kumiwa ka ntsengo swi ta durha;
- (c) ku kumiwa ka ntsengo swi ta vanga ku nonon'hweriwa loku nga fanelangiki eka mukoloti kumbe vahlayisiwa va yena hikuva va pfumala swo tihanyisa leswi swi faneleke swa minimamu;
- (d) nhundzu ya mukoloti kumbe ya ndzhaka ya mukoloti loko ku ri leswaku u lovile, (hambiloko tinhundzu toleto ti ri vusirheleri bya Tiko kumbe e-e) ti fanerile eka vahlayisiwa va yena kumbe ti ri ta nkoka wa le hansi naswona mukoloti kumbe ndzhaka ya yena, tani hilaha mhaka yi nga ha vaka hakona, a tsandzeka ku hakela ntsengo kumbe xiphemu xihi ni xihi xa wona, handle ka hi leswi swi nga endliwaka hi tinhundzu toleto naswona swoleswo ku nga endliwaka swona hi nhundzu yaleyo swi ta vanga ku nonon'hweriwa loku nga fanelangiki kumbe;

- (e) swi ta vuyerisa Xifundzankulu ku hetisisa mhaka ya nondzo wa xona lowu wu vuriwaka kumbe ku tshika nondzo wolowo.

(3) Nkarhi wihi ni wihi loko matimba ya haverisiwa hi nawu wihi ni wihi ku boha mpimo wihi ni wihi, xiyelo, tharifi, hakelo kumbe mali hi swikongomelo swa mali ya tiko yihi ni yihi leyi ngenaka eka kumbe tihakelelo leti ti humaka eka Nkwama wa Mali ya Tiko xiboho xolexo, hambi ku na makungu ya nawu wolowo, a xi fanelanga ku endliwa ku nga si kumiwa mpfumelelo wa Va Nkwama: Ku ri leswaku makungu ya xiyengenyana lexi a ya fanelanga ku tirha eka xibalo xihi ni xihi kumbe xiboho xolexo hi Holobyenkulu.

(4) Laha xiyimela-mali kumbe xikombiso xin'wana xa rhisiti kumbe hakelo hi ndlela yihi ni yihi xi onhiweke kumbe xi lahlekeke kumbe xi herisiwile naswona—

- (a) Va Nkwama hi tlhelo ra tinkonta ta vatirhela-tiko va tinkonta na vanhu van'wana lava va tirhelaka Xifundzankulu;
- (b) ku ya hi makungu ya nawu wihi ni wihi wun'wana, vulawuri lebyikulu bya vandla leri nga ra nawu hi tlhelo ra tinkonta ta vandla rolero ri nga enawini va enetisiwile hi nhlamuselo ya munhu loyi a nga na vutihlamuleri, Va Nkwama kumbe vulawurinkulu bya vandla leri ri nga enawini tani hilaha mhaka yi nga ha vaka hakona, va nga ha endla/humesa xileriso xo humesa xiyimela-mali kumbe vumbhoni byin'wana kumbe va nga ha endla xileriso xolexo xin'wana, tani hilaha swi nga ha tikombaka swi fanerile eka yimele ra timhaka teto.

Ku nyiketa matimba ya Va Nkwama

19. (1) Va Nkwama ku ya hi swipimelo swoleswo tani hilaha va nga ha swi bohaka, va nga ha nyiketa mutirhela-tiko wa tinkonta matimba wahi ni wahi lawa ya haverisiweke vona hi xiyenge xa 18(1) na (2) kumbe 21(5).

(2) Laha Va Nkwama va nyiketeke matimba wahi ni wahi ku ya hi xiyengenyana xa (1), va nga ha pfumelela mutirhela-tiko wa tinkonta loyi a khumbekaka ku nyiketa matimba walowo eka mukhomi wa ntirho wihi ni wihi loyi a thoriweke hi Va Nkwama.

(3) Mutirhela-tiko wa tinkonta a nga fanelangi ku tekeriwa matimba wahi ni wahi lawa ya nyiketiweke hi yena naswona a nga ha hundzuluxa kumbe ku susa xiboho xihi ni xihi lexi xi endliweke eku tirhisiweni ka matimba yalawo.

(4) Va Nkwama a va fanelanga ku tekeriwa matimba lama ma nyiketweke hi vona kumbe lama ma nga ehansi ka matimba ya vona naswona va nga ha hundzuluxa kumbe ku susa xiboho xihi ni xihi lexi xi nga endliwa eku tirhisiweni ka matimba yalawo, ku katsa ni xiboho xa mutirhela-tiko wa tinkonta laha lexi xi vuriwaka eka xiyengenyana xa (3) xi hundzuluxiwaka kumbe ku susiwa.

(5) Laha matimba wahi ni wahi ma nga nyiketiwa eka mukhomi wa ntirho, matimba yalawo ma nga ha tirhisiwa hi munhu loyi eka nkarhi wa sweswi a tirhaka eka ntirho walowo.

Tihakelelo leti veke kona handle ka mpfumelelo

20. (1) Tihakelelo leti ti khumbekaka ti fanele ku va ti nga pfumele-riwanga loko—

- (a) ku endliwa ka hakelo hi mutirhela-tiko wa tinkonta ku ri hava makungu lama ma endliweke ya tona hi matimba kumbe hi ku ya hi makungu ya nawu wihi ni wihi;
- (b) hakelo kumbe xiphemu xa hakelo eka ntirho lowu wu pfumeleriweke hi Nawu wa mpimanyeto yi endla leswaku—
 - (i) ntsengo hinkwavo lowu wu pimanyeteriweke xiavo lexi xi khumbekaka wu tlurisiwile ku ri karhi ku tsundzukiwa ku tlakuka kwihi ni kwihi loku ku vuriwaka eka xiyenge xa 6(2);
 - (ii) ku siveriwa hi ku landza makungu ya xiyenge xa 5(3), tihakelelo ku va ti endla debiti ya mahetelelo; kumbe
 - (iii) ntsengo lowu wu kombiweke eka "Rixaxa ra 2" ra xi-tandzhaku xa Nawu wa mpimanyeto hi tlhelo ra ntirho lowu wu tlurisiwaka naswona mpfumelelo lowu wu vuriwaka eka xiyenge xa 7(1)(b)(ii) wu nga kumekangi kumbe ntlakuko lowu wu vuriwaka eka xiyenge xa 6(2) wu nga endliwangi;
- (c) mutirhela-tiko wa tinkonta a nga swi koti ku humesa a nyika Odi-tara Jenerala hi tlhelo ra hakelo mpfumelelo wa Va Nkwama lowu wu faneleke lowu wu laviwaka hi ku landza makungu ya Nawu lowu kumbe nawu wihi ni wihi wun'wana hi tlhelo ra hakelo;
- (d) mutirhela-tiko wa tinkonta a endla hakelo leyi yi nga yelaniki ni makungu ya nawu wihi ni wihi.

(2) Mali leyi yi tirhisiweke handle ka mpfumelelo leyi yi vuriweke eka xiyengenyana xa (1) a yi nga kokiwi eka Nkwama wa Mali ya Tiko ku kondza—

- (a) hi tlhelo ra ndzimana ya (a), (b) kumbe (c), ya xiyengenyana xexo, mali leyi yi tirhisiweke leyi yi khumbekaka yi pfumeleriweke hi nawu wa Huvo yo Endla Milawu ya Xifundzankulu; kumbe
- (b) hi tlhelo ra ndzimana ya (d) ya xiyengenyana xexo, mali leyi yi tirhisiweke leyi yi khumbekaka yi tiyisisiweke hi nawu wa Huvo yo Endla Milawu ya Xifundzankulu;

(3) Tihakelelo leti veke kona handle ka mpfumelelo kumbe xiphemu xa tona xihi ni xihi lexi xi bohiweke hi Huvo yo endla Milawu ya Xifundzankulu leyi yo ka yi nga pfumeleriwangiki kumbe ku tiyisisiwa tani hilaha swi vuriwaka hakona eka xiyengenyana xa (2), loko murithela-tiko wa tinkonta a nga swi koti kumbe a nga swi tsakeli ku kutsula ntsengo lowu wu khumbekaka eka loyi a vuyeriweke kumbe munhu loyi a nga ni vutihlamuleri, ehenhleni ka mali leyi yi tirhisiweke handle ka mpfumelelo, yi fanele ku kutsuriwa hi Va Nkwama yi huma eka mutirhela-tiko wa tinkonta.

(4) Makungu ya tindzimana ta (a), (c) na (d) ta xiyengenyana xa (1) ya fanele ku tirha *mutatis mutandis* hi tlhelo ra vandla leri ri nga nawini ehandle ka loko swi vekiweke hi nawu hi ndlela yin'wana naswona hi swikongomelo swa ndzimana ya (c) loko ku vulavuriwa hi mpfumelelo wa Va Nkwama, swi fanele ku tekiwa tani hi loko ku vuriwa mpfumelelo wa Xirho xa Huvonkulu kumbe vulawurinkulu kumbe vulavuri byihi ni byihi byin'wana lebyi tirhaka tani hilaha swi nga ha vaka hakona.

(5) Mali leyi yi tirhisiweke handle ka mpfumelelo leyi yi vuriwaka eka xiyengenyana xa (4) kumbe xiphemu xihi ni xihi xa kona leyi yi bohiweke hi Huvo yo Endla Milawu ya Xifundzankulu a yi fanelangi ku kokiwa eka nk-wama kumbe nkonta leyi yi khumbekaka ku kondza yi mpfumeleriwa, tiyisi-siwa kumbe ku nyikwia hi ku landza tirhele ra ntolovelo ra mafambisele ya nk-wama leri ri tirhaka eka nk-wama kumbe nkonta leyi yi khumbekaka: Ku ri leswaku mali yihi ni yihi leyi yi tirhisiwaka handle ka mpfumelelo leyi yo ka yi nga pfumeleriwangi kumbe ku tiyisisiwa yi fanele ku kumiwa yi huma eka mutirhela-tiko wa tinkonta loko a nga swi koti kumbe a nga swi tsakeli ku kutsula ntsengo lowu wu khumbekaka wu huma eka loyi a vuyeriweke kumbe munhu loyi a nga ni vutihlamuleri bya mali leyi yi tirhisiweke handle ka mpfumelelo.

Ku koka/kuma ndzahlekelo ni ku onhakeriwa

21. (1) loko munhu loyi a thoriweke kumbe a a thoriwile hi Xifu-ndzankulu naswona a vangeleke Xifundzankulu ndzahlekelo kumbe ku onhakeriwa hikuva—

- (a) a tsandzekile ku hlengeleta timali ta Tiko hi tlhelo ro hlengeleta loku a nga kumbe a a ri ni vutihlamuleri bya kona;
- (b) a nga ni kumbe a veke ni vutihlamuleri byo hakela timali ta Tiko, leti ti nga riki enawini kumbe ku hakela timali teto leti to ka ti nga seketeriwangiki hi vhochara leyi yi aneleke;
- (c) a nga ni kumbe a veka vutihlamuleri bya tihakelelo leti ti nga tswalangiki mihandzu ta timali ta Tiko hikwalaho ko hunisa ku tirha timfanelo ta yena;
- (d) a nga ni kumbe a veke ni vutihlamuleri bya nkayivelo wa, kumbe ku onhetela, kumbe ku onhakeriwa ka timali ta Tiko, switempe, mapapila yo komba nkoka wa nxavo na tifomo leti ti nga ha vaka ni nkonka, switiyisiso, swingolongondzwana, nhundzu kumbe rifuwo rihi ni rihi rin'wana ra Tiko;
- (e) hikokwalaho ka ku hunisa ku tirha timfanelo ta kumbe hi ndlela yihi ni yihi yin'wana, a nga ni kumbe a veke ni vutihlamuleri bya nondzo ehenheleni ka Xifundzankulu, mutirhela-tiko wa tinkonta loyi a khumbekaka kumbe mukhomi wa ntirho loyi a vekiweke hi Va Nkwama va fanele ku boha ntsengo lowu wu lavekaka ku siva nhundzu ya Tiko leyi eka yona ku nga ni nkayivelo kumbe leyi yi nga onhakeriwa, tani hilaha swi vekiweke hi swileriso naswona, ku ya hi makungu ya xiyengenyana xa (5), va fanele ku lerisa hi xitiviso xo tsariwa, leswaku munhu loyi a vuriwaka a hakela, ku nga si hela masiku ya makumenharhu ku sukela eka siku ro tsala xitiviso xexo, ntsengo lowu wu bohiweke tano.

(2) Loko munhu loyi a thoriweke eka Xifundzankulu naswona loyi hi ku landza xiyengenyana xa (1) a lerisiweke ku hakela ntsengo walowo, a hlulekaka ku hakela ntsengo walowo ku nga si hela nkarhi lowu wu veki-weke eka xitiviso lexi ku vulavuriwaka haxona, ntsengo lowu, ku ya hi makungu ya swiyengenyanya swa (4), (6) na (7), wu ta kokiwa wu huma eka muholo wa yena wa n'hwetl: Ku ri leswaku ku kokiwa koloko a ku fanelangi leswaku eka n'hwetl yihi ni yihi ku va ehenhla ka n'we-xa-mune (kotara) xa muholo wa yena wa n'hwetl ehandle ka loko munhu yaloye a pfumela, hi ku tsala kunene, leswaku ntsengo lowu nga henhlanyana wu nga kokiwa.

(3) Loko munhu loyi a a thoriwile hi Xifundzankulu naswona, leyi hi ku landza xiyengenyana xa (1), a lerisiweke ku hakela ntsengo, a hlulekaka ku hakela ntsengo walowo ku nga si hela nkarhi lowu wu vekiweke eka xitiviso lexi ku vulavuriwaka haxona, mutirhela-tiko wa tinkonta loyi a khumbekaka, ku ya hi makungu ya swiyengenyana swa (4), (6) na (7), u fanele ku koka kuma ntsengo walowo eka munhu loyi a khumbekaka hi endlele ra xinawu.

(4) Loko muhu loyi a lerisiweke ku hakela ntsengo hi ku landza makungu ya xiyengenyana xa (1), ku nga si hela nkarhi lowu vuriweke eka xitiviso lexi ku vulavuriwaka haxona, a tshembisa ku hakela ntsengo wolowo hi swiphemu-phemu, mutirhela-tiko wa tinkonta, kumbe mukhomi wa ntirho loyi a vekiweke hi Va Nkwama a nga ha pfumelela ku hakeriwa hi swiphemu-phemu koloko tani hiliha a nga ha vonaka swi twala: Ku ri leswaku loko ku kutsuriwa ka ntsengo wolowo hi ku landza xitshembiso xexo swi ta ka swi nga sunguriwi ku nga si hela nkarhi lowu wu ringanaka tin'hweti ta khumembirhi ku hlayeriwa ku sukela eka siku leri ku hakela hi swiphemu-phemu ku faneleke ku hakeriwa, mpfumelelo wa Va Nkwama wo hakela wu fanele ku kumiwa wa nkarhi lowu tlulaka nkarhi lowu wu vuriweke, naswona Va Nkwama va nga ha boha mahakelelo man'wana na swipelo ku ya hi leswi ntsengo walowo wu faneleke ku hakeririsiwa xiswona.

(5) Loko hikokwalaho ka xivangelo xihhi ni xihhi, mutirhela-tiko wa tinkonta, kumbe mukhomi wa ntirho loyi a vekiweke hi Va Nkwama, a ri ni mavonele ya leswaku ntsengo lowu wu vekiweke hi ku landza xiyengenyana xa (1) wu nga kumiwi kumbe wu fanele ku kumiwa hi swiphemu-phemu ntsena eka munhu loyi a nga ni vutihlamuleri bya wona a nga ha kombela Va Nkwama ku ntshunxa munhu yaloye eka ku hakela ntsengo hinkwawo kumbe xiphemu xa ntsengo wolowo, naswona Va Nkwama wa Xifundzankulu hi ku vona ka vona, va nga ha pfumelela ntsengo hinkwawo kumbe xiphemu xa ntsengo lowu lexi xo ka xi nga ri ku kokiweni/kumiweni.

(6) Munhu loyi hi ku landza xiyengenyana xa (1) a nga lerisiwa ku hakela ntsengo, loko ku nga si hela nkarhi lowu wu ringanaka masiku ya makumenharhu ku sukela eka siku ra xileriso xolexo, hi ku tsala kunene, a nga ha kombela mutirhela-tiko wa tinkonta loyi a khumbekaka, a boxa na swivangelo swa xikombelo xa yena, leswaku xikombelo tani hilaha xi vuriweke eka Va Nkwama, kutani loko mutirhela-tiko wa tinkonta loyi a khumbekaka a ala ku kongomisa xikombelo xolexo eka Va Nkwama kumbe loko Va Nkwama va ala ku pfumelela, tani hilaha swi vuriweke eka xiyengenyana lexi xi vuriweke tani hi ntsengo hinkwawo kumbe xiphemu xa ntsengo lowu ku vulavuriwaka hawona, wu ngakumeki tani hilaha swi komberiweke, munhu yaloye ku nga si hela masiku ya makumenharhu endzhaku ka loko a tivisiwile hi ku tsala kunene, ka ku ala kwihi ni kwihi koloko, a nga ha apila ehenhleri ka ku ala koloko eka xirho lexi xi nga ni vutihlamuleri, kutani Xirho lexi xi nga ni vutihlamuleri, endzhaku ka ndzavisiso walowo wun'wana, tani hilaha a nga ha vonaka wu laveka, xi nga ha ala apili yaleyo xi lerisa leswaku muapili a ntshunxiwa hambi ku ri ku hakela ntsengo hinkwawo kumbe xiphemu xa wona ku ya hilaha xi nga ha vonaka swi lulamile no twala, eka ku hakelela ntsengo walowo.

(7) Munhu loyi hi ku landza xiyengenyana xa (1), a nga lerisiwa ku hakela ntsengo, ematshan'wini yo apila eka Xirho lexi xi nga ni vutihlamuleri ku ya hi xiyengenyana xa (6), a nga ha kombela ku nga si hela nkarhi wa makumenharhu wa masiku ku sukela eka siku ra xileriso xexo, kumbe

khoto yi nga si hela nkarhi wolowo wo engeteriwa tani hilaha khoto yi nga ha pfumelelaka hakona, eka khoto leyi yi faneleke a kombela xileriso xo khansela xileriso lexi xi vuriweke ro sungula kumbe ku hungutiwa ka ntsengo wo tano, kutani khoto loko yi amukerile xikombelo xexo, loko yi nga enerisiwi hi mutirhela-tiko wa tinkonta loyi a khumbekaka hi tlhelo ra ntiyiso wa mhaka ya kona leswaku ntsengo wolowo wu lulamile, yi nga ha endla xileriso lexi xi khanselaka xileriso lexi xi nga vuriwa eku sunguleni kumbe xi hungutaka ntsengo wolowo tani hilaha mhaka yi nga vaka hakona.

(8) Loko ntsengo hi ku landza xiyengenyana xa (5), (6) kumbe (7) wu hungutiwile, ntsengo lowu wu nga hungutiwa wu fanele wu kumiwa *mutatis mutandis* hi ku landza makungu ya swiyengenyana swa (1), (2) (3) na (4).

Tigarantiya hi tlhelo ra mali yo lomb

22. (1) Loko Xirho lexi xi nga ni vutihlamuleri eka Huvonkulu naswona, loko xi nga ri Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta timali, kun'we ni Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta timali va enetisiwile leswaku ku ni ku landzelela makungu ya xingenyana xa (3), Xirho lexi xi nga ni vutihlamuleri lexi xi vuriwaka, hi ku twanana ni Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta timali, loko xi nga ri Xirho xo tano xa vutihlamuleri, naswona endzhaku ka loko makungu ya xiyenge xa 157(3) xa Vumbiwa ya landzeleriwele, nkarhi ni nkarhi, hi ku landza swilaveko swa xiyengenyana xa (3) ni swipimelo leswi hi ku twanana na Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta timali, loko xi nga ri Xirho lexi xi nga ni vutihlamuleri bya timhaka ta timali, xi nga ha boha, ku katsa ni ku papalata swihlawulekisi sweswo swa nawu tani hilaha xi nga ha vonaka swi fanerile ku nyika garantiya hi tlhelo ra swiboho swa mali leswi swi sukelaka eka ntwanano wo lomb mali lowu wu endliweke kumbe wu nga ta endliwa hi mfumo wa ndhawu kumbe hi huvo kumbe vandla leri ri simekiweke hi kumbe ehansi ka nawu wihi ni wihi lowu laha endzhakunyana ri vuriwaka vandla leri nga enawini leri ri nga eka Xifundzakulu.

(2) Garantiya leyi yi faneleke ku nyikiwa hi ku landza xiyengenyana xa (1) yi nga kambisisiwa ntsena hi Xirho lexi xi nga ni vutihlamuleri, naswona loko xi nga ri Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta timali kun'we ni Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta timali loko xikombelo xa garantiya yaleyo xi famba kun'we ni xibumabumelo lexi xi nga tsariwa xo nyika garantiya yaleyo hi vulavurinkulu bya mfumo wa ndhawu kumbe vandla leri ri nga enawini leri garantiya yi faneleke ku nyikiwa rona, tani hilaha swi faneleke hakona.

(3) Garantiya leyi yi nyikiwaka hi ku landza makungu ya xiyengenyana xa (1), yi fanele ku landzelela swipimelo swa leswaku—

(a) ntswalo wa mali leyi yi lobiweke yi garantiyiweke—

(i) wu ta tirhisiwa ku pfuna tiko endzeni ka ndhawu leyi yi welaka ehansi ka vulawuri bya yona hi mfumo wa ndhawu hi tlhelo leri mali leyi yi lombiweke yi faneleke ku kuma garantiya kumbe eka ndhawu ya xifundzankulu kumbe xiphemu xa yona, hi vandla leri ri nga enawini;

(ii) a yi nga tirhiseriwi ku hakelela tihakelelo ta sweswi;

- (iii) hi tlhelo ra garantiya leyi yi nga nyikiwa hi tlhelo ra mali yo lombaleyi lombiweke hi mfumo wa ndhawu, yi fanele ku tirhisiwa hi ku ya hi makungu ya nawu wihi ni wihi lowu nga pasisiwa eka Xifundzankulu lexi xi vuriwaka wu pfala ku lombaleyi mali hi mfumo wa ndhawu; naswona;
- (b) Xirho lexi xi nga ni vutihlamuleri, ku ya hi makungu lawa xi nyike-tiweke hi vulavurinkulu bya mfumo wa ndhawu kumbe vandla leri ri nga enawini leri ri khumbekaka, tani hilaha swi nga vaka hakona, xi ta tienerisa hi mhaka ya leswaku—
 - (i) timali leti ti lavekaka ti nga ka ti nga kumeki hi tindlela tin'wana ehandle ka mali yo lombaleyi yi nga na garantiya;
 - (ii) a swi kanakanisi leswaku mfumo wa ndhawu kumbe vandla leri ri nga enawini leri ri khumbekaka ri ta landzelela swipimelo ni swiboho leswi mali yo lombaleyi yi nga ta nyikiwa hi ku landza swona;
 - (iii) makungu ya ntwanano wo lombaleyi mali leyi yi khumbekaka—
 - (aa) ya landzelela minsinya leyi amukeriweke hi ku angharhela ya mintwanano yo lombaleyi mali;
 - (bb) ya ta va ya lulamile hi xinawu ni hi xithekiniki; naswona
 - (cc) ya ta tivisa hi ku hetiseka swiboho swa Xifundzankulu lexi xi nga ta khomela tani hi mugarantiyi ni ndlela leyi tihakelele leti Xifundzankulu xi nga ha ti endlaka hi ku landza garantiya, ti ta kumeka;
 - (iv) ku fanele ku tsundzukiwa mhaka ya leswaku garantiya yo lombaleyi mali ya laveka, ku hakelela ku lombaleyi mali ku ta fambelana ni makete;
 - (v) makumekele ya ntswalo wo lombaleyi mali a ya nga onhi nchumu eka malawulele ya timali eka mfumo wa ndhawu kumbe hi vandla leri ri nga enawini leri ri khumbekaka.
- (4) Ku hakela hi Xifundzankulu lexi xi tirhaka tani hi mugarantiyi wa minondzo leyi yi nga enawini leyi yi vaka kona yi huma eka garantiya leyi yi nga nyikiwa hi ku landza makungu ya xiyengenyana xa (1)—
 - (a) ku fanele ku tekiwa tani hiloko ku pimanyeteriwile swikongomelo sweswo; naswona
 - (b) ku fanele ku vikeriwa Huvo yo Endla Milawu ya Xifundzankulu hi Xirho lexi xi nga ni vutihlamuleri hi ku hatlisa hilaha swi kotekaka hakona, kumbe ku nga si hela tsevu wa tin-hweti endzhaku ka loko ku hakeriwile tano naswona u ta andlala xikan'we kan'we xiviko eka Huvo yo endla Milawu lowu wu vuriwaka lexi xi nga ni timhaka leti ti yelanaka ni ku hakela loku ku endliweke.
- (5) Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta Xifundzankulu, hi ku hatlisa hilaha swi kotekaka hakona kambe ku nga si hela tsevu wa tin'hwetendzhaku ka ku hela ka lembe ra timali, xi ta endla leswaku ku kandziyiswa xikombisa-tinkonta eka *Gazete ya Xifundzankulu*

lexi xi kombisaka hi tlhelo ra garantiya yin-wana ni yin'wana leyi yi nyiki-weke hi Xifundzankulu hi ku landza xiyengenyana xa (1), vito ra mfumo wa ndhawu kumbe vandla leri ri nga enawini hi tlhelo leri garantiya yi nga nyikiwa, ntsengo wa ntirho lowu wu nga hundzelaka eka garantiya yo tano yin-wana naswona loko swi khumba mali ya matiko mambe, ntsengo wa xiviri na lembe ra timali leri garantiya leyi yelanaka yi nga ta hela ha rona.

(6) Hambiloko ku ri na swin'wana eka nawu lowu kumbe nawu wihi ni wihi wun'wana leswi swi kanetaka, garantiya hi xifundzankulu hi tlhelo ra swiboho swa timali leswi swi sukelaka eka mali yo lomba swi fanele ku nyikiwa ntsena hi ku landza xiyenge lexi na hi ku ya hi makungu ya xiyenge xa 157(3) xa Vumbiwa.

(7) Laha ku vulavuriwaka hi "Xirho lexi xi nga ni vutihlamuleri" eka xiyenge lexi, swi fanele ku tekiwa ku vuriwa Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya mafambisele ya ndzawulo leyi yi khumbekaka hi ku kongoma kumbe ku nga ri hi ku kongoma leyi xi tirhaka na timhaka ta tihakelelo ta ntswalo wa mali lomba hi tlhelo leri garantiya yi nyikiwaka hi rona hi ku landza xiyengenyana xa (1), kutani loko ku ri na ku kanakana hi Xirho lexi nga na vutihlamuleri. Xirho xa Huvonkulu lexi khumbekaka xi fanela ku vekiwa hi Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri bya timhaka ta timali.

Ku tirhisiwa ka makungu man'wana mayelana ni matimba ya Xirho lexi xi nga ni vutihlamuleri ni ku nyiketiwa ka matimba ya xona

23. (1) Loko nawu wu lava leswaku Xirho xa Huvonkulu xi endla xa nchumu hi ku tsundzuxana kumbe endzhaku ko tsundzuxana ni Xirho lexi xi nga ni vutihlamuleri kumbe hi ku twanana na Xirho lexi xi nga ni vutihlamuleri, xilaveko xexo no, handle ka loko xin'wana xa Swirho leswi swi khumbekaka kumbe hi ndlela yin'wana xi fanele ku tekiwa xi landzele-rile xilaveko loko xin'wana xi fanele ku tekiwa xi landzelerile xilaveko loko ku tsundzuxana ku endlwile exikarhi ka vatirhela-tiko va tinkonta leti ti khumbekaka kumbe vayimeri va tona.

(2) Handle ka le ka mhaka leyi xiyengenyana xa (1) xi tirhaka, Xirho lexi xi nga ni vutihlamuleri xi nga ha nyiketa eka mutirhela-tiko eka xiyenge lexi eka xona makungu ya nawu lowu, kumbe ma wihi ni wihi wun'wana ya fambisiwaka hi yena, matimba wahi ni wahi kumbe ntirho lowu wu haverisi-weke kumbe wu nyikiweke yena hi Nawu lowu, kumbe nawu walowo wun'wana, hi mayelana na timali ta tiko, tihakelo, kumbe nhundzu ya Xifundzankulu kumbe vandla leri nga enawini, ku nga katsiwi na matimba yo endla swinawana na matimba kumbe ntirho lowu wu vuriweke eka swiyenge swa 4(3), 7, 2(16) na 24(3) a xi fanelanga ku tekeriwa matimba kumbe ntirho lowu xi wu nyiketeke tano, naswona xi nga ha hundzuluxa kumbe ku herisa xiboho xa mutirhela-tiko yaloye hi ku ya hi ku nyiketiwa kwihi ni kwihi ka matimba.

Swinawana

24. (1) Xirho lexi xi nga ni vutihlamuleri xi nga ha endla swina-wana—

(a) leswi vekaka timfanelo tin'wana na vutihlamuleri bya vatirhela-tiko va tinkonta;

- (b) leswi endlaka makungu yo veka vatirhela-tiko va tinkonta tani hi vaamukerinkulu va Xifundzankulu va Mali ya Tiko ni ku hlamusela timfanelo ta vona kun'we ni vutihlamuleri byebyo;
 - (c) leswi endlaka makungu yo tlierisela timali leti hlengeleteweke hi xihoxo ti huma eka mali ya sweswi ya tiko
 - (d) leswi endlaka makungu yo veka vatirhela-tiko kumbe vahnu van'wana tani hi vamininjhere va timali na vatirhela-tiko tani hi vativa-tinkonta ni ku veka timfanelo ta vona ni vutihlamuleri byo tano;
 - (e) leswi vekaka sisiteme leyi yi faneleke ku landzeleriwa hi mayelana no hlengeleta, ku amukela, ku banga, ku hlayisa, ku lawula ni matirhiwele ya tinkonta ku ri ku endliwa yini hi na vulanguteri ehenhleri ka timali ta Tiko na tinkonta leti hlayisiwaka mayelana na swona;
 - (f) leswi vekaka swipimelo leswi tinyiko leti nyikiwaka Xifundzankulu ti nga ha amukeriwaka hakona ni ku tirhisiwa;
 - (g) leswi endlaka makungu yo lawula no teka xitoko xa vusirheleri, switempe ni nhundzu yin'wana ya Tiko;
 - (h) leswi endlaka makungu lawa swilo na maendlele lawa vatirhela-tiko va tinkonta na Va Nkwama va faneleke ku tirhisa matimba na ku endla timfanelo leswi va haverisiweke swona hi nawu lowu;
 - (i) leswi endlaka makungu yo lulamisa swa timali hi mayelana ni ntirho lowu endliweke hi xiphemu xin'wana xi endlela xin'wana;
 - (j) leswi endlaka makungu hi ku angarhela hi tlhelo ra mafambisele ya makungu na ku fikelela swikongomelo swa Nawu lowu.
 - (k) leswi endlaka makunzu ya ku simekiwa ka tikomiti to odita na tikomiti ta le ndzeni to odita.
- (2) Swinawana swo hambana-hambana, hi ku ya hi xiyengenyana xa (1) swi nga ha endliwa hi tlhelo ra minkhetekanyo yo hambana hambana ya timali ta Tiko kumbe nhundzu yin'wana ya Tiko kumbe minkhetekanyo yo hambana-hambana ya vanhu lava va nyikiweke ntirho wo hlengeleta, amukela, banga, hlayisa, hakela, ku endliwa yini no lawula vutihlamuleri, vulanguteri ehenhla ka timali ta Tiko na nhundzu yin'wana ya Tiko.
- (3) Xirho lexi xi nga ni vutihlamuleri, loko hi ku vona ka xona yimelo ra swilo ri xi pfumelela xi nga ha endla makungu ya leswaku xinawana lexi xi endliweke ku ya hi xiyengenyana xa (1), a xi fanelangi ku landzeleriwa kumbe a xi fanelanga ku landzeleriwa ku fika laha ku bohiweke hi yena.
- (4) Swinawana leswi swi endliweke hi ku landza nawu wa nkwama wa rixaka swi fanela ku tirha *mutatis mutandis* eka Xifundzankulu ku fikelela loko swi siviwa kumbe ku hundzuluxiwa hi Xirho lexi nga ni vutihlamuleri.

Swiletelo

25. (1) Va Nkwama nkarhi na nkarhi va nga ha humesa swiletelo na swileriso swin'wana leswi swi nga kanetaniki na swinawana hi mayelana ni—

- (a) mhaka yihi ni yihi leyi yi vuriwaka eka xiyenge xa 18;
- (b) mhaka yihi ni yihi leyi yi vuriwaka eka xiyenge xa 24;
- (c) maendlele lawa vatirhela-tiko va tinkonta va fanelaka ku nyiketa ha wona eka Va Nkwama na vanhu lava va faneleke ku sayina leswi swi nyiketiweke;

- (d) mafambisele hi ku angarhela, ya makungu ya Nawu lowu na Swinawana na ku fikelela swikongomelo swoleswo.
- (2) Va Nkwama, loko va vona tshamelo ra swilo ri va pfumelela, va nga ha nkensa ku hambuka eka Xiletelo.
- (3) Swiletelo swa Va Nkwama leswi swi nga humesiwa hi ku landza nawu wa nkwama wa rixaka swi fanela ku tirha *mutatis mutandis* eka Xifundzankulu ku fikela loko swi siviwa kumbe ku hundzuluxiwa hi Swiletelo leswi humesiweke.

Swiletelo swa Mali ya Tiko

26. Mutirhela-tiko loyi a vekiweke tanihi muamukerinkulu wa mali ya Tiko nkarhi na nkarhi, naswona loko swi laveka hi Va Nkwama ku endla tano, a nga ha nyika swiletelo sweswo (leswi swi vuriwaka Swiletelo swa Mali ya Tiko) tani hilaha Va Nkwama va nga ha nkensaka, swi ya eka vanhu hinkwavo lava va nga ni vutihlamuleri eka ku hlengeleta, ku lawula na leswaku ku endliwa yini hi timali ta tiko tihi ni tihi leti a nga muamukerinkula wa Xifundzankulu wa tona, kumbe timali ta tiko tin'wana to tano tani hilaha Va Nkwama va nga ha bohaka hakona, kumbe va N'wi lava leswaku a humesa hi mayelana na ku hlengeleta koloko, ku lawula na ku ku endliwa yini.

KAVANYISA KA III

NHLOKOMHAKA HI KU KOMISA

Nhlokomhaka hi ku komisa

27. Nawu lowu wu vuriwa Nawu wa Transvaal N'walungu wa Nkwama, 1994.

TSEBIŠO YA PROFENSE

KANTORO YA TONAKGOLO

No. 4

7 Nhlamgula 1994

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatšwago go dira tshedimošo ka kakaretšo:—

No. 3 wa 1994: Molao wa Matlotlo wa Profense ya Lebowa la Transfala, 1994.

MOLAO

Wa go beakanyetsa taolo ya go kgoboketsa, go amogela, go laola, go lota le difseno tsa tshelele ya Mmuso le go amogela, go lota, le go laola thoto ye ngwe ya Mmuso; medino le maatfa a Lefiole; go fa difiisetso, di fato fatso le ditshine letson le ditaba tseo di amanago te tsona.

*(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 6 Octoboro 1994)*

GA E DIRWE MOLAO ke Lekgotlapeamelao la Profense ya Lebowa la Transfala ka mo go latelago:—

Ditlhalosiso

1. (1) Mo Molaong wo le Molawaneng le Taelong efe kapa efe ye e ntshitswego go ya ka Molao wo, ntle ga ge lekqa le bontsha go supa se sengwe—

“akhaonte ya ditekanyetso” ke gore akhaonte yeo e supsago karolong 15;

“akhaonte ya Matlotlo” ke gore akhaonte yeo e bolelwago karolong 3(1);

“akhaonte ya Molefipharephare” ke gore akhaonte yeo e supsago karolong 9(1);

“boutu” ke gore boutu yeo e bontshwago setuleng ya Molao wa Ditekanyetso,

“dikakanyo tsa ditshenyegelo” ke gore kakanyo ya ditshenyegelo tseo di letetswego go tswa Letloleng la Profense la Ditseno mo ditirelong tsa Profense mo ngwageng wa ditshetele tseo di isitswego Lekgotlapeamelao la Profense leo le bile le nago le ditlhaloso ka botlalo mabapi le merero yeo, ditshetele tseo di akanyeditswego mo Molaong wa Ditekanyetso, di tla go e somisetswa go akaretswa le

dikakanyo tsa tlaleletso ya ditshenyegelo godimo ga ditirelo ngwageng woo wa ditshetele tseo di ka bonwago di nyakega gore di beakanyetswe morago ga ge dikakanyo tseo di boletswe pejana, di isitswe Lekgotlapeamelaong ya Profense, eupsa pele ga ge di ka dumelelwa;

“dikakanyo tse di fetotswego” ke gore kakanyo ya tshenyegelo ya go tswa Letloleng la Ditseno la Profense tseo di filwego Lekgotlapeamelaong la Profense mabapi le ditshenyegelo ditirelong tsa Profense gomme e le fela—

- (a) tshutiso ya ditshetele magareng ga diboutu le ka gare ga tsona;
- (b) tekanyetsoleswa ya ditshetele tseo di bego di lekanyeditswe ke Lekgotlapeamelaong la Profense ngwageng wa ditshetele woo o sa tsogo fela, eupsa e se ya somiswa;
- (c) tekanyetso ya tshetele ya ditirelo tsa Profense tseo mabapi le tsona go lekanyeditswego tshetele ye e sa lekanago goba di se tsa lekanyetswa selo ngwageng wo o angwago wa ditshetele gomme di ka lekanyetswa fela—
 - (i) go tswa tshetele ya thekiso ya dithoto tsa Profense
 - (ii) ka lebaka la tumelelo yeo e ntshitswego go ya ka karolo 7
 - (iii) mabapi le ditshenyegelo tseo di setsego di begilwe ke leloko leo le rwelego boikarabelo polelong ya gagwe ge go alwa Molao wa Ditekanyetso Lekgotlapeamelaong la Profense; goba
 - (iv) mabapi le ditshenyegelo tseo go ka thwego di be di se di emelwe e bile di ka sekego tsa efogwa ke Sesegotlotlo sa Profense.
- (d) phetogo goba phetoso efe le efe Molaong wa Ditekanyetso yeo e somago ngwageng woo wa ditshetele le yeo Sesegotlotlo sa Profense se bonago e nyakega;
- (e) dikabo tsa tlaleletso tseo di beetswego mabaka goba di sa beelwago mabaka ke Palamente.

“Ditseno” ke gore ditshetele ka moka tseo di amogetswego thwii goba e le tseo di tlisitswego go tswa Letloleng la Ditseno la Mmuso wa Gare ka tsela ya metshelo, metshelo ya dithoto le ditshetele tse dingwe tseo e sego tsa setlwaedi tsa Profense go sa kgathalege mohlodi wa tsona tseo di ka go lekanyetswa ke Lekgotlapeamelaong la Profense go akaretswa le ditshetele tseo di adimilwego go ya ka dipeakanyetso tsa Molao wo, eupsa di ka se akaretse faene efe kapa efe yeo e fetago R50 yeo e filwego motho ke kgorotsheko, ge e le gore tshetele yeo ga se e lefse goba ditseno tseo di yago Letloleng la Ditseno tsa Mmuso wa Gare goba letlole la ditseno la Profense e nngwe;

“Khrediti” ke gore tshetele yeo e abetswego mohlankedi wa go ikarabela matlotlong go tswa akhaonteng ya molefipharephare;

“Leloko le le rwelego boikarabelo” leloko la Lekgotlaphethisi leo le rwelego boikarabelo bja merero ya Matlotlo;

“Letlole la Ditseno” ke gore letlole leo le hlomilwego go ya ka karolo 159 ya Molaotheo;

“Mohlakisipharephare” ke gore motho yo a beilwego go ya ka karolo 191(2) ya Molaotheo;

- "Mohlankedi wa go ikarabela matlotlong" ke gore motho yo a supsago dikarolong 16 le 17;
- "Molao wa ditekanyetso" ke gore Molao woo ka ona dikakanyo tsa ditshenyegelo goba diphetosho tsa dikakanyo di lekaneditsewego ka gona gore di ntshwe Akhaonteng ya Ditseno ya Profense yeo e dumeletsewego ke Lekgotlapeamelao la Profense;
- "Molaotheo" ke gore Molaotheo wa Afrika Borwa, 1993 (Molao No. 200 wa 1993);
- "Molawana" ke gore molawana wo o dirilwego le leloko le le angwago go ya ka karolo 24;
- "Molao wo" o akaretša le molawana goba taelo ye e ntshitšwego go ya ka Molao woo;
- "Ngwaga wa ditshetele" ke gore paka ye e thomago ka letsatsi la 1 Aporele ngwageng ofe kapa ofe go fihla ka letsatsi la 31 Matshe ngwageng wo o latelago;
- "Panka" ke setho seo se amogelago ditshetele tsa go beeletswa seo se supsago Molaong wa Ditheo tsa go tsea Dipeeletso, 1990 (Molao No. 94 wa 1990);
- "Sekoloto sa Profense" ke tshetele yeo e adimilwego ke Profense go ya ka Molao ofe kapa ofe goba yeo e lebanego Profense go ya ka karolo 239 ya Molaotheo yeo e swanetsego go lefsa gape go tswa Letloleng la Ditseno la Profense;
- "Sesegotlotlo sa Naga" ke gore setho sa Setshaba Tirelong ya Mmuso seo se nago le maatla mererong ya ditshetele, ao a lego Cekala ya Ditshenyegelo ya Mmuso yeo e bolelwago Molaong wa Tirelo ya Mmuso 1994 le gona seo maatla a sona mabapi le taba efe le efe a somisago Tona ya Matlotlo goba mohlankedi cekala yeo, ka baka la modiro woo a o dirago cekala yeo, a somanago le taba yeo;
- "Sesegotlotlo" ke gore setho sa Profense seo se nago le maatla mererong ya ditshetele ao a lego lekala yeo e rwelego boikarabelo mererong ya ditshetele le bile maatla ao a sona a diragatsa ke Leloko leo le rwelego boikarabelo goba mohlankedi lekala yeo yo ka baka la modiro wo a o dirago lekala yeo, a lebanego ke go somana le taba yeo;
- "setho sa semolao" ke gore pusoselegae, boto, letlole, setho, khamphani, koporasi goba lekgotla leo le hlomilwego goba le bopilwego go ya ka molao ofe le ofe woo ka ona ditshetele di ntshwago go tswa Akhaonteng ya Ditseno ya Profense goba tseo diakhaonte tsa sona di swanetsego go hlakiswa ke Mohlakisipharephare;
- "Taelo" e ntshitse ke Sesegotlotlo go ya ka karolo 25;
- "Taelo ya Sesegotlotlo" ke taelo yeo e ntshitšwego go ya ka karolo 39 ya Molao wa Setshaba wa Matlotlo, 1994;
- "Kelo ya setlwaedi ya tswalo" ke kelo ya tswalo bjalo ka ge e beilwe go ya ka Molao wa Setshaba wa Matlotlo;
- "Thoto ya Mmuso" ke gore thoto efe le efe ya Profense, yeo kabaganngyo ya yona e laolwego ke Molao ofe kapa ofe;

"Thoto ya terasete" ke gore thoto yeo e lotago ke mohlankedi yo a rwelego boikarabelo bja matlotlo yo a somelago Profense legatong la motho goba setheo, e le thoto yeo e sego ya Mmuso;

"tshetele tsa Mmuso" ke gore

- (a) ditseno ka moka; le
- (b) ditshetele ka moka tseo di amogetswego goba di swerwego ke mohlankedi yo a ikarabelago matlotlong, legatong la Profense;

"tshetele ya terasete" ke gore tshetele yeo e lotago ke mohlankedi yo a rwelego boikarabelo bja matlotlo goba motho yo mongwe yo a somelago Profense legatong la motho goba setheo, tshetele yeo e se tshetele ya Mmuso.

(2) Tshupo efe molaong ofe go Letlole la Ditseno la Mmuso, e tlo tsewa go ba e supa Letlole la Ditseno la Profense go fihla fao maatla ao a ka bego a filwe Profense.

KGAOLO 1

Diakhaonte tsa Letlole la Ditseno la Profense

2. Sesegotlotlo sa Profense se tla re dipukung tsa sona mabapi le Letlole la Ditseno la Profense, la dira peakanyetso ya Akhaonte ya Ditseno ya Profense yeo go yona go tla go tsentshwa ditseno ka moka tseo di e lebanego go ya ka Molao wa goba Molao ofe o mongwe gomme go yona go tlo lefsa ditshenyegelo ka moka le go lefsa ditshetele ka moka tseo di swanetsego go ntshwa go yona go ya ka Molao wo goba ofe o mongwe.

Akhaonte ya Matlotlo ya Profense

3. (1) (a) Sesegotlotlo sa Profense se tla ba le akhaonte pankeng yeo e tla go bitswa "Akhaonte ya Matlotlo ya Profense" yeo ka go yona go tlo go bewa ditseno ka moka.

(b) Dipeeletso tse bjalo di tla dirwa letsatsing le lengwe le le lengwe la maleba la go soma.

(2) Panka e tla re letsatsing le lengwe le le lengwe leo le swanetsego la go soma, ya fa sesegotlotlo sa Profense, go ya ka fao sesegotlotlo sa Profense se tla go nyaka ka gona, dirithene tsa ditseno tseo di beilwego ka Akhaonteng ya Matlotlo ya Profense.

(3) Sesegotlotlo sa Profense se ka somisa ditshetele dife le dife tseo di lego ka Akhaonteng ya Matlotlo ya Profense go lefela ditshenyegelo tseo di swanetsego go lefsa go tswa akhaonteng yeo e bolelwago karolong 2.

(4) Sesegotlotlo sa Profense se tla re go lebeletswa dipeakanyetso tsa Molao wo, se tla kgonthisisa dinako ka moka gore go nale tshetele ye e lekanego Akhaonteng ya Matlotlo ya Profense go ka suthiswa go ya ka karolo 9(1).

Ditekanyetso tsa ditshetele Letloleng la Ditseno la Profense le dikakanyo tsa ditshenyegelo le ditseno

4. (1) Ditshetele tseo di lego ka Letloleng la Ditseno la Profense di tla lekanyetswa ke Lekgotlapeamelao la Profense gore di lefse go tswa Akhaonteng ya Ditseno ya Profense, e le ka tekanyetso goba ka Molao go phetha dinyakwa tsa Profense: Le ge go le bjalo, go ba go fihlela nako yeo go tla go be go dirilwe peakanyetso Molaong wa Ditekanyetso go dinyakwa ngwageng wa ditshetele, gomme ditshetele tse bjalo di tla tsewa gore di lekanyeditswe ka Molao di lekanyetswa dinyakwa tseo go lebeletswe dipoelo tse di latelago

- (a) mabapi le dikgwedi tse nne tsa mathomo tsa ngwaga wo o angwago wa ditshetele, tshelete e ka se fete diperesente tse 45 tsa; gomme
- (b) mabapi le kgwedi e nngwe le e nngwe ye e latelago, e se fete diperesente tse 10 tsa; gomme
- (c) ka mokamoka e se fete bokaalo bja tshelete yeo e boutetsego ke Lekgotlapeamelao la Profense ka Molao wa Ditekanyetso ngwageng wo o sa tsogo fela wa ditshetele.

(2) Tseo di ntshitswego go ya ka molawana (1), di tla tsewa e le tseo di ntshitswego go ya ka Molao wa Ditekanyetso ngwageng wo o angwago wa ditshetele gore di tswa Akhaonteng ya Ditseno ya Profense.

(3) Ditshetele tseo go tsewago gore di lekaneditswe bjalo ka ge go akanywa probaesong ya karolwana (1), e tla somisetswa fela ditirelo tseo ditshenyegelo tsa tsona di dumeletswego ka Molao wa Ditekanyetso ngwageng wo o sa tsogo fela wa ditshetele goba yeo mabapi le yona go nago le tumelelo go ya ka Molao o mongwe.

(4) Ge go diragatswa karolo ye fao—

- (a) Profense e sa kgonago go amogela Molao wa Ditekanyetso bjalo ka ge o se gona, goba
- (b) Mediro ye e itsego e ile ya rweswa Profense morago ga ge e setse e fetisitse Molao wa Ditekanyetso wa ngwaga wo o sa tsogo feta, ge e le taba ya temana (a), bokaalo bja tshelete ka moka bjoo diperesente tse di angwago di beilwego godimo ga tsona di beilwe ke Leloko leo le rwelego boikarabelo, gomme ge ele taba ya temana (b) bokaako bja tshelete ka moka bja Molao wa Ditekanyetso bja ngwaga wa ditshetele wo o sa tsogo feta, bo a oketswa ka ditshenyegelo tsa modiro woo lebaka la ngwaga ka botlalo gomme mediro yeo e tla tsewa goba seripa sa Molao woo o angwago wa Ditekanyetso, ge go lebeletswe karolwana (3).

(5) Leloko le le rwelego boikarabelo—

- (a) le tla re ngwaga o mongwe le o mongwe wa ditshetele, go ya ka tsela yeo e tla go be e beilwe ke Tona ye e rwelego boikarabelo mererong ya Ditshetele ya Naga, la ala kakanyo ya ditseno Lekgotlapeamelao la Profense le kakanyo ya ditshenyegelo tseo di swanetsego go lefisa go tswa Akhaonteng ya Ditseno ya Profense; gomme
- (b) le ka ala pele ga Lekgotlapeamelao la Profense dikakanyo tseo di fetotswego gore di lefse ka tsela yeo.

Lebaka le le tlogo tsewa ke Molao wa Ditekanyetso le ditshe-nyegelo mo ngwageng wa ditshelete

5. (1) Molao wa Ditekanyetso o ka se ke wa hlathollwa gore o dumelela tshomiso ya ditshelete tseo di lekanyeditswego ka ona ngwageng wa ditshelete ntle le ngwaga wa ditshelete woo Molao woo o bolelago ka ona phaa.

(2) Go hlokometswe dipeakanyetso tsa karolo 5(3) le 7, ditshenyegelo ngwageng o mongwe le o mongwe wa ditshelete di tla dirwa go ya ka ditekanyetso tsa molao le gona go ya ka boutu ye nngwe le ye nngwe go ya ka dikarolo tsa yona tse kgolo tseo di thaloso tsa tsona di tla go ba ka dikakanyong tsa ditshenyegelo le kakanyo yeo e fetotswego.

(3) Ditshenyegelo tirelong yeo mabapi le yona go sego gwa dirwa peakanyetso efe goba go dirilwego peakanyetso yeo e sego ya lekana mo Molaong wa Ditekanyetso, di ka se tsewe go ba tebiti ya mafelelo kgahlanong le boutu ntle ga ge—

- (a) fao peakanyetso e sa lekanago, poloko ka fase ga karolo efe ye kgolo ya boutu yeo e angwago e somisetswe ditsheleteng tseo, ntle ga ge Sesegotlotlo sa Profense se laela ka tsela e nngwe; goba
- (b) Leloko le le rwelego boikarabelo le fane ka maatla ao ka lengwalong pejana go ya ka karolo 7.

Diaetheme tsa Kholomo 2

6. (1) Ditshelete tseo di tswelago kholomong 2 ya setule ya Molao wa Ditekanyetso mabapi le boutu efe kapa efe, di ka se ke tsa fetwa, go hlokometswe dipeakanyetso tsa karolo 7(1)(b)(ii) le dipoloko godimo ga tsona, di tla re ka tumelelo ya Leloko leo le rwelego boikarabelo, tsa somisetswa go lefa tshenyegelo efe le efe yeo e sego ya direlwa tekanyetso yeo e lekanego ka fase ga boutu yeo.

(2) Bokaalo bja tshelete bjoo bo bonalago kholomong 2 ya setule ya Molao wa Ditekanyetso mabapi le boutu efe kapa efe, e ka oketswa ka seripa sa tshelete yeo e lekaneditswego boutu yeo, dikaonefatso tsa mabaka a mosomo a tirelo ya Profense go ya ka fao mohlankedi yo a ikarabelago matlotlong a ka go dira ka gona, arerisane le Sesegotlotlo sa Profense.

Maatla a Leloko le le rwelego boikarabelo tshomising ya ditshelete mabakeng a itsego

7. (1) Le ge peakanyetso tsa karolo 4 le 6 di le gona, leloko leo le rwelego boikarabelo le ka fa maatla gore ditshelete tseo di lego Letloleng la Ditseno la Profense di somiswe ngwageng wa ditshelete—

- (a) go lefa ditshenyegelo tseo e sego tsa setlwaedi tseo di sa beakanyetswago Molaong wa Ditekanyetso le gona e le tseo di ka se kego tsa thisiswa ntle ga go hlola tshitelo e soro setshabeng, go ba go fihlela ge tekanyetso ya yona e ka dirwa ke Lekgotlapeamelao la Profense, goba

(b) go lefa

- (i) ditshenyegelo mabapi le ditshetele tseo go letetswego gore di tla feta boutu tseo di ka se kgonego go ka thisiswa ntle ga go hlola tshitelo e soro takatsong ya setshaba go ba go fihlela ge ditekanyetso tsa tsona di ka dirwa ke Lekgotlapeamelao la Profense; le
- (ii) ditshenyegelo mabapi le ditshetele tseo di letetswego go feta tseo di tswelago "Kholomong 2" ya setule ya Molao wa Ditekanyetso: le ge go le bjalo, tshetele ka moka yeo mabapi le yona go ka go fiwa maatla go ya ka karolo ye, nako efe kapa efe e ka se fete tshetele yeo e lekanago le diperesente tse pedi tsa tshetele ka moka yeo e lekaneditswego go ya ka Molao wa Ditekanyetso wo o somago goba yeo e lego gona ka lebaka la pro-baeso ya karolo 4(1).

(2) Go tlo tsewa magato, nakong yeo e ka se bego ka morago ga tulo ye e latelago ya Lekgotlapeamelao la Profense, go dira ditekanyetso tsa ditshetele tseo di somiseditswego goba di tlo go somisetswa go ya ka karolwana (1).

(3) Maatla ao a akanywago karolwaneng (1) a tla fiwa fela ge a phethagatsa dinyakwa tseo di bolelwago tlhalosisong ya kakanyo ye e fetotswego go ya ka karolwana (1) ya karolo 1.

Maatla a Sesegotlotlo sa Profense go ka bea magomo goba go fega nakwana go dira ditshenyegelo

8. (1) Le ge go ka ba eng molaong o, seo se thumanago le se seng molaong o mongwe go akaretswa molao woo ka ona tshetele e lekaneditswego setheo sa semolao sefe kapa sefe, letlole goba akhaonte, tekanyetso ka Molao wa Ditekanyetso goba maatla ao a a filwego go ya ka karolo 7, e tla hlalosa go laetsa fela maksimamo wa tshetele yeo e ka go somiswa gomme Sesegotlotlo sa Profense se ka gana go lefa goba go fega nakwana go lefa ga ditshetele tseo di lekaneditswego goba tseo mabapi le tsona go filwego maatla go ya ka karolo 7(1), ge go ya ka kgopolo ya Sesegotlotlo sa Profense mabaka a dira gore go gana fao goba go feta nakwana fao go nyakega.

(2) Sesegotlotlo sa Profense se tla lota rekoto ya go gana go lefa goba go fegwa nakwana go ya ka karolwana (1) gomme se tla re ntle le go senya sebaka sa tsebisa mohlankedi yo a rwelego boikarabelo matlotlong yo a angwago le Mohlakisipharephare ka ga go gana go lefa moo goba go fegwa nakwana fao.

(3) Tshetele efe yeo tefo ya yona go ya ka karolwana (1) e sego ya lefa goba go lefa fao go fegilwe, e ka somiswa ngwageng wa ditshetele wo, o angwago morerong woo o dumeletswego ke Sesegotlotlo sa Profense.

(4) Sesegotlotlo sa Profense se tla lota rekoto ya tumelelo e nngwe le e nngwe yeo e filwego go ya ka karolwana (3), le gona ntle ga tikotiko go tsebiswe Mohlakisipharephare.

Akhaonte ya Molefipharephare

9. (1) Godimo ga Akhaonte ya Matlotlo ya Profense, Sesegotlotlo sa Profense se tla ba le Akhaonte ya Molefipharephare pankeng gomme se ka dira gore bontshi bja tshelete efe kapa efe—

- (a) e lekanyetswe ka molao
- (b) yeo e ka go somiswa go ya kakarolo 7 mererong efe le efe
- (c) e tsewe go ba e lekanyeditswe ka molao

go ya ka fao e kgopetswego go ya ka karolwana (3), gore e ntshwe go tswa Akhaonteng ya Matlotlo ya Profense e fetisetswe go Akhaonte ya Molefipharephare.

(2) (a) Sesegotlotlo sa Profense se tla fa mohlankedi wa go ikarabela matlotlong, ge a kgopela bjalo le gona go tswa ditsheleteng ka Akhaonteng ya Molefipharephare, dikherediti tseo go tla go lefelwa ditirelo tseo a rwelego boikarabelo bja tsona, di tla dirwa ke yena.

(b) Sesegotlotlo sa Profense se ka bea magomo go dikherediti tseo di supsago temaneng (a) tseo di kago fiwa, ge go ya ka kgopolo ya sona ditshelete tseo di nyakega go lefela melato yeo e lego gona ya tirelo goba morero woo e o somiseditswego.

(3) Sesegotlotlo sa Profense se ka se fe khrediti mabapi le tshelete yeo tefo ya yona ya go emiswa goba ya fegwa lebakanyana go ya ka karolo 8(1), ntle le ge ele gore tumelelo e filwe go ya ka karolo 8(3).

(4) Mohlankedi yo a ikarabelago matlotlong, o tla ba le akhaonte ya dikherediti ka moka tseo a di filwego go ya ka karolwana (2) le ditefo tsa go tswa go tsona.

(5) Mohlankedi yo a ikarabelago matlotlong a ka re godimo ga ditshelete tsa Mmuso, a bea ditshelete tse dingwe tseo a ikarabelago go tsona ka Akhaonteng ya Molefipharephare gomme a ka dira ditefo go tswa akhaonteng yeo.

(6) Mabapi le Akhaonte ya Molefipharephare, Sesegotlotlo sa Profense se tla ba le akhaonte ya dikherediti, dipeeletso, ditefo le ditshelete tse di ntshwago ka nako mabapi le mohlankedi o mongwe le o mongwe yo a rwelego boikarabelo matlotlong.

(7) Mohlankedi yo a rwelego boikarabelo matlotlong o tla re ka pele ka moo go ka go kgonega, morago ga ge diakhaonte tsa gagwe di seno tswalelelwa ngwaga wa ditshelete, o tla fa Sesegotlotlo sa Profense ditshelete ka moka tseo di sa somiswago gore se di bee gape ka Akhaonteng ya Matlotlo ya Profense, tseo mabapi le tsona a amogetsego dikherediti go ya ka karolwana (2) le (8), gomme Sesegotlotlo sa Profense se tla e tsentsha Letloleng la Ditseno tsa Profense leo le bego le swanetse go ka lefa ditshenyegelo tseo di bego di emetswe.

(8) Ge e le ka morago ga 31 Matshe ngwageng o mongwe le o mongwe wa ditshelete go bonala o ka re ditshenyegelo tsa mohlankedi yo a ikarabelago matlotlong di ka feta dikherediti tseo a di filwego ke Sesegotlotlo sa Profense go ya ka karolwana (2), o tla re ka pele ka mo go kgonegago, ge fela e le gore tshelete e sa le gona yeo e akanyeditswego ngwaga woo wa ditshelete ka boutung yeo e angwago, a kgopela Sesegotlotlo sa

Profense go mo fa khrediti go ka kgona go lefa melato yeo e ka bego e fetisitswe gomme Sesegotlotlo sa Profense se ka re go ya ka dipeakanyetso tsa karolwana (1) le (2), sa mo fa khrediti yeo e nyakegago le go kgonthisisa gore ditshetele tseo di fetiswe ngwageng wo o latelago wa ditshetele.

(9) Mohlankedi yo a ikarabelago matlotlong o tla bea magomo bokaalong bja ditshetele tseo a ka go di kgopela go Sesegotlotlo sa Profense tseo go ya ka yena di nyakegago go ka lefela ditshenyegelo tseo di lego gona kgwedi le kgwedi, gomme Sesegotlotlo sa Profense se tla re go lebeletswe dipeakanyetso tsa karolo 8(1), sa mo fa dikhrediti tseo go ka lefela ditshenyegelo tseo fela.

(10) Sesegotlotlo sa Profense se tla bea magomo tsheteng yeo e ka go kgopelwa go Sesegotlotlo mabapi le dikhrediti tsa tshetele yeo e se lebanego go ya ka karolo 155(2)(c) ya Molaotheo e le yeo e swanetsego go lefela go tswa Akhaonteng ya Ditseno ya Setshaba, mabapi le ditshetele tseo di nyakegago go lefela ditshenyegelo tseo di lego gona, gomme Sesegotlotlo, se tla fana ka dikhrediti tsa ditshetele tseo.

(11) Le ge go ka ba eng seo se thumanago le se sengwe karolong ye, Sesegotlotlo sa Profense se ka re ka kgopelo ya Mongwaledi wa Lekgotlapeamelao la Profense, la lefa Mongwaledi yoo ditshetele tseo di lekaneditsego ditirelo tsa Lekgotlapeamelao la Profense goba tseo go ya ka karolo 7, di ka go somisetswa lebaka leo goba di ka go tsewa go ba di lekaneditsego go ya ka molao gomme Sesegotlotlo sa Profense se tla fa Mongwaledi dikhrediti se mo fela morero woo.

(12) Sesegotlotlo sa Profense se ka somisa tshetele Akhaonteng ya Molefipharephare lebakanyana ge se gopola gore e gona—

- (a) go ka fa mohlankedi yo a ikarabelago matlotlong, tshetele go ya ka mabaka ao e ka go a bea;
- (b) go dira diphetisetso go ya Akhaonteng ya Matlotlo ya Profense gore go ntshwe tshetele go lefela ditlhaelelo tseo di letetswego akhaonteng yeo gomme ditshetele tseo di fetiseditswego di tla tsewa gore ke ditshetele tseo di adimilwego go ya ka dipeakanyetso tsa karolo 19, le
- (c) go dira dipoloko tsa sebakanyana mabakeng ao se kago a bea.

Maatla a Sesegotlotlo sa Profense go somisa ditshetele tseo di lego ka Akhaonteng ya Matlotlo ya Profense mererong ye e itsego

10. (1) Sesegotlotlo sa Profense se ka somisa ditshetele ka Akhaonteng ya Matlotlo ya Profense—

- (a) go dira dipoloko lebakanyana ka Repabliki go ya ka mabaka ao se ka go a bea;
- (b) go lefela dikleime tsa tshwanelo tseo di tswago go tiisetso, tokollo goba tshireletso yeo e filwego goba e lebanego Mmuso wa Profense; le
- (c) go lefa tshetele yeo e tshetswego ka Akhaonteng ya Matlotlo ya Profense.

(2) Ditshetele tseo di somisitswego go ya ka karolwana (1) di somisetswa merero ye e itsego, di tla tsewa gore di lekanyeditse merero yeo.

(3) Leloko la Lekgotlaphethisi leo le rwelego, boikarabelo bja lo ka ge Chlaloswa (7) ke karolo 22, le tla re ka pele ka moo go kgonegago, la ala pego Lekgotlapeamelaong, yeo e bontshago tshomiso ya ditshelete go ya ka karolwana (1)(b).

Maatla a go bula diakhaonte pankeng

11. (1) Akhaonte mabapi le ditseno tsa Profense e ka bulwa fela ka tumelelo ya go ngwalwa ya Sesegotlotlo sa Profense pankeng gomme fao akhaonte yeo e butswego gona, panka yeo e angwago e ka se dumelele gore akhaonte yeo go yona go ntshwe go feta tshelete yeo e lego ka fao, go ya ka karolo 157(2) ya Molaotheo.

(2) Sesegotlotlo sa Profense se tla re ngwaga le ngwaga sa senka leswa kabelo ya diakhaonte pankeng mabapi le Akhaonte ya Matlotlo ya Profense le Akhaonte ya Molefipharephare ka ditherisano le Panka ya Risebe ya Afrika Borwa.

Tlhommo ya diakhaonte tsa kgwebo le tse di amanago le tsona

12. (1) Sesegotlotlo sa Profense se ka dumelela mohlankedi yo a ikarabelago matlotlong go hloma diakhaonte tsa kgwebo le tseo di amanago le tsona mabapi le ditirelo le diphahlo tseo di fiwago ke kgoro ya gagwe ka boyona, go kgoro e nngwe goba setheo se sengwe.

(2) Tshenyegelo mabapi le go fana ka ditirelo le diphahlo tseo di supsago karolwaneng (1), bjalo ka ge e beile ke Sesegotlotlo sa Profense se, di tla fiwa tshelete go tswa ditsheleteng tseo di lego diakhaonteng —

- (a) tseo di lekanyeditswego ke Lekgotlapeamelao la Profense;
- (b) tseo, le ge go ka ba sefe se hlolago thumano Molaong wo goba molaong ofe o mongwe, di amogetswego e le ditefelo tsa ditirelo le diphahlo tseo di supsago karolwaneng (1);
- (c) tseo di hweditswego go tswa thekisong ya dinyakwa tseo di fetago tekanyo goba di ka se somisegego, di amana le go fana ka ditirelo le diphahlo tseo di bolelwago;
- (d) tseo di hweditswego ka kwano le Sesegotlotlo sa Profense go tswa mohloding ofe o mongwe.

(3) Letlole la Ditseno la Profense le tla fiwa lesokotso lefe le lefe mafelelong a ngwaga wa ditshelete gomme tahlegelo efe yeo e lego gona e tla lefsa go tswa ditsheleteng tseo di lekaneditswego.

Mokgwa wa go swara dipuku le diakhaonte

13. Sesegotlotlo sa Profense se ka re morago ga ditherisano le Mohlakisipharephare, sa fa tlhahlo ka tsela yeo se bonago go swanela, go bahlankedi bao ba ikarabelago matlotlong mabapi le mekgwa ya go swara dipuku le diakhaonte yeo ba swanetsego go e latela.

Mokgwa wa tshepediso wa Akhaonte ya Matlotlo ya Profense le tokiso ya dipego

14. (1) Sesegotlotlo sa Profense se tla ikarabela Akhaonteng ya Matlotlo ya Profense gomme e tlo ba le diakhaonte le direkoto tseo di nyakegago go ka ba le taolo ya tshwanelo godimo ga Letlole la Ditseno la Profense.

(2) Sesegotlotlo sa Profense se tla re ka pele ka moo go kgonegago mafelelo a kgwedi e nngwe le enngwe, sa dira gore go phatlalatswe *Kazeteng ya Profense* fao go laetswago ditshelete tseo di amogetswego le tseo di fetisitswego go tswa Akhaonteng ya Matlotlo ya Profense lebakeng la go tloga letsatsing la pele la ngwaga wo o angwago wa ditshelete go fihla mafelelong a kgwedi yeo le tshetele yeo e setsego Akhaonteng ya Matlotlo ya Profense mathomong le mafelelong a lebaka leo.

(3) Kapelepele ka mo go kgonegago morago ga go tswalelwa ga diakhaonte ngwageng o mongwe le o mongwe wa ditshelete, eupsa mo lebakeng la kgwedi tse hlano morago ga go fela ga ngwaga woo wa ditshelete, Sesegotlotlo sa Profense se tla lokisa dipego go ya ka fao go laelago Sesegotlotlo sa—

- (a) Akhaonte ya Matlotlo ya Profense
- (b) Letlole la ditseno la Profense
- (c) Akhaonte ya Molefipharephare
- (d) sekoloto sa Profense le tshetele yeo e kolotwago e hlotswego e bile e buseditse ngwageng wa ditshelete;
- (e) tswalo le masokotso ao a amogetswego diakhaonteng tsa Letlole la Ditseno la Profense le tswalo yeo e lefilwego sekolong sa Profense;
- (f) ditshelete ka moka tseo di laolwago ke Sesegotlotlo sa Profense.

(4) Sesegotlotlo sa Profense se tla re mo lebakeng leo le supsago mo karolwaneng (3) sa lokisa dipego go thekga Letlole la Ditseno la Profense mabapi le ngwaga wa ditshelete woo o angwago, ditshelete tseo di amogelwago ka fase ga dihlogo tse di fapafapanego tseo di bontshwago dikakanyong tsa ditseno le tsa diphetisetso go tswa Akhaonteng ya Matlotlo ya Profense ka lebaka la e nngwe le enngwe ya diboutu tseo di laetswego molaong wa Ditekanyetso wa ngwaga woo.

(5) Sesegotlotlo sa Profense se tla fetisetsa dipego tse di supsago karolwaneng (3) le (4) go Mohlakisipharephare go hlahlobja kapelapela ge di fetswa go lokiswa.

Diakhaonte tsa Ditekanyetso

15. (1) Mohlankedi yo a ikarabelago matlotlong o tla re kapelapela ka mo go kgonegago, eupsa e sego ka morago ga dikgwedi tse nne ge ngwaga wa ditshelete o sena go fela, a lokisa akhaonte ya ditekanyetso a ba a e fetisetsa go Mohlakisipharephare mabapi le ngwaga woo le boutu ye nngwe le ye nngwe yeo e lego taolong ya gagwe gomme o tla re sammaletee a ba a romela khopi ya yona go Sesegotlotlo sa Profense: Le ge go le bjalo Mohlakisipharephare a ka re fao go ya ka kgopolo ya gagwe a bonago e le tshwanelo go ka dira bjalo, a fa kokeletso ya lebaka la go tlisa akhaonte yeo e nyakwago, go ya ka fao yena a bonago e ka feleletswa ka lona.

(2) Mo akhaonteng ya ditekanyetso, mohlankedi yo a ikarabelago matlotlong o tla re mabapi le seripa se sengwe le se sengwe se segolo sa boutu a bontsha—

- (a) ka lehlakoreng la dikamogelo la yona tshetele yeo e tswelalago e le ya ngwaga wa ditshelete wo o angwago—
 - (i) dikakanyo tsa ditshenyegelo le dikakanyo tse di fetotswego, le

- (ii) ditumelelo tseo di filwego go ya ka karolo 7, tseo di sego tsa tloge di lekanyetswa go ya ka karolwana (2) tsa karolo yeo: Eupsa go swanetse go be molaleng gore di fapana le dikamogelo tseo di supsago ditemaneng (i) le temana ye.
- (b) ka lehlakoreng la ditshenyegelo la yona, tshelete ka nnete yeo e somisitswego lona lebakeng leo: Le ge go le bjalo, tshelete yeo e ntshitswego ke mohlankedi yo a ikarabelago matlotlong pejana go lefela ditshenyegelo tseo di bego di emetswe eupsa e sa thekgwe ke diboutshara tsa go amogelega tsa go bontsha ditshenyegelo, di ka seke tsa akaretswa lehlakoreng la ditshenyegelo.
- (3) Akhaonte ye nngwe le ye nngwe ya ditekanyetso yeo e filwego Mohlakisipharephare, e tla fegeletswa ke—
- (a) ditlhaloso tsa seo se ka bego se hlotse diphapano tsa go feta diperesente tse pedi, magareng ga ditshenyegelo karolwaneng (2)(a);
- (b) taetso ya tshelete ya saplase yeo e swanetsego go iswa goba ya tlhalelo;
- (c) pego ya gore saplase ya ngwaga wo o sa tsogo fela wa ditshetele e isitswe, ge e le gona;
- (d) taetso ya palogare ya tshelete yeo e setsego ka akhaonteng ya sasepense yeo e ka go lefsa ke boutu.
- (4) Diakhaonte tsa ditekanyetso le ditlhaloso tseo di filwego go ya ka karolo ye, di tla saenwa ke mohlankedi yo a ikarabelago matlotlong.
- (5) (a) Nako le nako ge motho a rweswa boikarabelo go ya ka karolo 17(1), bja go ikarabela matlotlong a Mmuso le thotong ya Mmuso mabapi le seripa goba boutu ye e itsego, ditlhaloso mabapi le seripa seo e tlo somelwa thoko mo akhaonteng ya ditekanyetso mabapi le boutu yeo e bolelwago.
- (b) Motho yo a supsago temaneng (a) o tla fa mohlankedi yo a ikarabelago matlotlong yo a angwago, ditlhaloso ka botlalo go mo kgontsha go ka phethagatsa dipeakanyetso tsa dikarolwana (1), (2) le (3).

Mohlankedi yo a ikarabelago matlotlong

16. (1) (a) Go setswa dihloogelo ka temana (b) Molaodipharephare yo a loeilwego go ya ka Moloo wa Tirelo ya Mmuso, 1994, mo Profenseng, e tla ba yena mohlankedi yo e ikarabelong matlofong diboufang kamoka.

(b) Tenakgolo a ka sapa mohlankedi go ba Mohlankedi wa maikarabelo wa boutu ye itsego.

(2) Mohlankedi yo a ikarabelago matlotlong o tla diragatsa maatla ao a a filwego gomme a dira mediro ka moka yeo a e filwego go ya ka molao, molawana wa ditshetele, Ditaalo tsa Sesegotlotlo goba Sesegotlotlo sa Profense.

(3) Ntle ga ge go tla be go bontshitswe Sesegotlotlo sa Profense, mohlankedi yo a ikarabelago matlotlong wa—

- (a) boutu goba diboutu tsa kgoro e tla ba hlogo ya kgoro yo a kgethetswego kgoro yeo.

- (b) setheo sa molao se se senago le mohlankedi yo a ikarabelago matlotlong go ya ka molao, mohlankedimogolophethisi wa setheo seo e tla ba yena mohlankedi yo a ikarabelago matlotlong.

(4) Ge omohlankedi yo a ikarabelago matlotlong a se gona, maatla a gagwe le mediro ya gagwe e tla phethagatsa ke mohlankedi yo a mo emego legato.

Boikarabelo bja go ikarabela ditsheleteng tsa Mmuso le thotong ya Mmuso ka motho yoo e sego mohlankedi yo a ikarabelago matlotlong

17. (1) Le ge dipeakanyetso tsa karolo 16 di le gona, Sesegotlotlo sa Profense, se ka rwea motho yo e sego mohlankedi yo a ikarabelago matlotlong, boikarabelo bja—

- (a) go ikarabela ditsheleteng tseo a di amogetsego goba a di lefilego;
- (b) go ikarabela thotong yeo a go e humana, a e amogela, a e swara goba a e abaganya mabapi le kgwebo le akhaonte yeo e tswalanego le yona yeo e hlomilwego go ya ka karolo 12(1) goba seripa se sengwe sa boutu yeo diakhaonte tsa yona di sa hlakanywago.

(2) Nako le nako ge motho a rwesitswe boikarabelo bja go arabela ka fao ditshelete le dithoto tsa Mmuso di somiswago ka gona mabapi le akhaonte ya kgwebo le yeo e tswakanego nayo goba seripa se sengwe sa boutu se se itsego, Sesegotlotlo sa Profense se ka fa motho yoo a mangwe a maatla goba maatla ka moka le mediro yeo e supsago karolong 16(2) ao a ka go diragatsa ke mohlankedi yo a ikarabelago goba a nyakegago gore a some mabapi le kgwebo le akhaonte yeo e tswalanego nayo goba seripa sa yona.

(3) Maatla goba modiro wo o filwego motho go ya ka karolwana (2), a tla diragatswa goba wa songwa ke motho yoo mabapi le kgwebo yeo le akhaonte ye e amanago le yona goba seripa sa boutu, go sa akaretswe mohlankedi yo a ikarabelago boutung yeo ya kgwebo le akhaonte ye e tswalanego le yona goba e bopa seripa sa yona.

(4) Nako le nako ge motho yo a supsago karolwaneng (1) a se gona, maatla a gagwe le mediro ya gagwe e tla dirwa ke motho yo a mo emetsego legato.

KGAOLO II

TAOLO YA KAKARETSO YA DITSHELETE

Maatla a mangwe a Sesegotlotlo sa Profense

18. (1) Go hlokometswe dipeakanyetso tsa Molao wo, Sesegotlotlo sa Profense se tla ba le maatla a—

- (a) go fana ka tlhahlo taolong ditsheleteng tsa Mmuso le thotong ye nngwe ya Mmuso gore go tle go be le tshepediso ye e rulagantswego gebotse le ya maleba le go tutuetsa bokgoni le thoto tshomisong ya tsona;

- (b) go ka laela gore ditshenyegelo tsa Akhaonte ya Ditseno ya Profense, go ya ka fao se ka go phetha, di seke tsa dirwa ntle ga ge go humanwe tumelelo pele;
- (c) go dumelela ditefelo goba ditefo tse dingwe, dikelo goba ditharifi, tsa ditefelo tseo di sa bewago goba tseo di sa kgonegego go ka bewa go ya ka molao le gona di nyalana le ditseno goba ditshe-nyegelo ya Letlole la Ditseno la Profense le go ka laela gore ditefelo tseo goba dikelo goba ditharifi tsa tsona di tla tsweletswa pele ga ge di ka humana tumelelo ya Sesegotlotlo sa Profense;
- (d) go fana ka tumelelo ya go ka fa tirelo ya mahala;
- (e) go fana ka tumelelo ya go phumula tahlegelo ya tshetele ya Mmuso le thoto e nngwe ya Mmuso;
- (f) go fana ka tumelelo go ka fetosa goba go fedisa dikontraka tseo di sa tswelelo Mmuso mohola;
- (g) go nyaka bahlankedi ba ba ikarabelago matlotlong, go ba le seabe mo mererong ya tekanyetsokabo gomme mabapi le diabe tseo—
 - (i) go sekaseka le go eletsela leloko le le rwelelo boikarabelo tabeng yeo; goba
 - (ii) ge Sesegotlotlo se kgopela bjalo, go dira gore tshedi-moso ye e setsego e sogilwe e se fiwe;
- (h) go nyaka gore mohlankedi yo a ikarabelago matlotlong, a efe tshedimoso, dirithene, ditokumente, ditlhaloso le ditlhohleletso mabapi le taba efe yeo e amago ditshelete goba thoto ye nngwe ya Mmuso wa Profense;
- (i) go fana ka tumelelo ya go fedisa tleleime ka Profense goba kgahlanong nayo goba go kgafela thoko tleleime ya Profense;
- (j) go dumelela goba go itebatsa go se phethagatse taelo, kgopelo, lebaka ga mohlankedi yo a ikarabelago, la Sesegotlotlo sa Profense mabapi le taba efe kapa efe;
- (k) go nyakisisa go kgethela, go hlahloba ditsela tsa taolo le tshepe-diso ya ditshelete le thoto ye nngwe ya Mmuso le go laela gore o be le ditsela tse dingwe tsa tlaleletso ntle le tseo di supsago karolong 13.
- (l) go phetha gore a naa ke boutu efe goba sekgao sa yona seo se swanetsego go lefa ditshenyegelo;
- (m) go bea ditshupo le mabaka ao ditseno tseo di lebanego Profense di ka go lefisa gomme tseo ditshelete tsa Mmuso wa Profense di ka go ntshwa gona.
- (n) go dumelela phokoletso, e la taetso ya mogau, ya ditshelete tseo di lebanego Profense;
- (o) go dumelela dipusetso tsa ditseno go Profense e le tiro ya mo-gau;
- (p) go dumelela ditefo go tswa tsheteng ya Mmuso ya Profense, e le tiro ya mogau;
- (q) go dumelela dimpho tsa tshetele ya Mmuso wa Profense le thoto ye nngwe ya Mmuso ye e ka go suthiswa ya Profense goba go amogela dimpho tsa go ya go Profense;

- (r) go dumelela go isa le naga, go hirisa goba go phatlalatsa thoto ya Mmuso wa Profense yeo e ka go suthisega;
- (s) go fana ka tlhahlo tshwarong le taolong ya tshelete ya trasete le thoto ya trasete yeo e beilwego lebakanyana goba e tlogetswego tlhokomelong ya mohlankedi yo a ikarabelago matlotlong goba motho yo mongwe yo lego tirelong ya Profense;
- (t) go fana ka tlhahlo mo tshomisong ya maemo ao a beilwego ke Sesegotlotlo mabapi le dikaonefatso tseo di dirilwego thotong ya go se suthisege yeo e lefetswego ka botlalo goba seripa fela, go tswa Letioleng la Ditseno la Profense;
- (u) go dumelela kamogelo ya thekgo ya ditshelete go ya Profense:

Le ge go le bjalo ge tshelete ye e angwago thabeng yeo e akanywago temaneng (n), (o), (p), goba (q), ntle ga ge taba yeo e amana le thoto ya Mmuso yeo e ka go suthisega, e feta R100 000 goba e amana le motshelo, motshelo wa thoto wo o beilwego ke molao, phokoletso yeo, pusetso, tefelo goba mpho e ka se ke ya dirwa ntle ga ge tshelete ya morero woo e lekanyeditswe ke Lekgotlapeamelao la Profense: Gapagape le ge go le bjalo, ge go ya ka kgopolo ya Sesegotlotlo sa Profense, mabaka ao a amanago le go lefsa ga motshelo goba motshelo woo wa thoto go tokafatsa go lefsa ga pusetso yeo e le tiro ya mogau mabapi le tshelete ka moka goba seripa sa yona, Sesegotlotlo sa Profense se ka dumelela pusetso yeo ge e sa fete R100 000, gore e lefse go tswa boutung ye e angwago.

(2) Sesegotlotlo sa Profense se ka re go ya ka moo se bonago sa dumelela go phumulwa ka moka goba sekgao fela sa tshelete ye e kolotwago Profense ke motho, ge se kgotsofetse gore—

- (a) tshelete yeo e ka se busege;
- (b) go humana tshelete yeo ga ka tura kudukudu go feta tshelete yeo e kolotwago;
- (c) go humana tshelete yeo go ka hlolela mokoloti goba bao a ba fepago ka ge ba tla tseelwa bonyenyane bjoo ba phelago ka bjona;
- (d) dithoto tsa mokoloti goba bohwa bja gagwe, ge a hlokoletse (go sa kgathalege goba dithoto tseo di filwe Mmuso e le tshireletso ya sekoloto) bao a bego a ba fepa ba ka se kgone go phela ntle ga tsona goba e le tsa boleng bjo bonnyane gomme mokoloti goba bohwa bja gagwe bo sitwa go lefa tshelete yeo goba seripa sa yona, ntle ga gore ba rekise dithoto tseo gomme thekiso yeo e tla hlola mathata; goba
- (e) go tla ba mohola go Profense go ka kwana ka go fedisa tleleime yeo goba go e kgafela thoko.

(3) Nako le nako ge maatla a fiwa ke molao go ka bea kelo, sekala, tharifi, tefelo ya ditseno dife tseo di lebanego Letiole la Ditseno la Profense goba ditshenyegelo tsa go tswa Letioleng la Ditseno la Profense, sephetho se tla dirwa pele ga ge tumelelo ya Sesegotlotlo sa Profense se ka humanwa, le ge dipeakanyetso tsa molao woo di ka ba ka tsela e nngwe: Le ge go le bjalo dipeakanyetso tsa karolwana ye di ka se some motshelong goba go sephetho seo se dirilwego ke Tonakgolo.

(4) Fao baotshara goba taetso ye nngwe ya kamogelo goba tefo e nale fao e hlaelago ka thokwana e nngwe goba e timetse goba e senyegile gomme—

(a) Sesegotlotlo sa Profense, mabapi le diakhaonte tsa mohlankedi yo a ikarabelago matlotlong le batho ba bangwe bao ba lego tirelong ya Profense;

(b) go hlokometswe dipeakanyetso tsa molao ofe o mongwe,

lekgotlaphethisi la setheo sa molao, mabapi le diakhaonte tsa setheo seo, le kgotsofetse gore tlhaloso ya motho yo a angwago, Sesegotlotlo sa Profense goba Lekgotlaphethisi la setheo seo sa molao, go ya ka fao go tla go be go le ka gona, le ka dira taelo gore go sehlwe go nyakega gore baotshara yeo e tswelletswe goba taetso ye nngwe goba la dira taelo yeo le bonago e swanela e bile e lokile mabakeng ao.

Go neelana ka maatla a Sesegotlotlo sa Profense

19. (1) Sesegotlotlo sa Profense se ka re go ya ka mabaka ao se kago a bea, sa neelana ka maatla afe a sona ao se a filwego go ya ka karolo 29(1), (2) goba 32(5), go mohlankedi yo a ikarabelago matlotlong.

(2) Fao Sesegotlotlo sa Profense se neelanego ka a mangwe a maatla a sona go ya ka karolwana (1), se ka dumelela mohlankedi yo a ikarabelago matlotlong yo a angwago, go neelana ka maatla ao go motho yo mongwe le yo mongwe yo a swerego poso yeo a supilwe ke Sesegotlotlo sa Profense.

(3) Mohlankedi yo a ikarabelago matlotlong a ka se tseelwe maatla ao a a filwego gomme a ka fetosa goba a gomisa sephetho sefe le sefe seo se tserwego ka tiragatso ya maatla ao.

(4) Sesegotlotlo sa Profense se ka se tseelwe maatla ao se fanego ka ona go ya ka maatla a sona gomme se ka fetosa goba sa gomisa sephetho sefe le sefe seo se tserwego tiragatsong ya maatla ao, go akaretswa sephetho sa mohlankedi yo a ikarabelago matlotlong, seo se ukangwago karolwaneng (3), se fetoswago goba se gomiswago.

(5) Fao maatla a filwego motho yo a swerego poso, maatla ao a ka diragatswa ke motho yoo lebakeng leo a dirago mesomo ya poso yeo.

Ditshenyegelo tseo di sa dumelelwago

20. (1) Tshenyegelo e tla be e sa dumelelwa ge—

(a) tefelo e dira ke mohlankedi yo a ikarabelago matlotlong, ge go sena peakanyetso yeo e dirilwego go ka dira bjalo goba go sena peakanyetso ya molao;

(b) tefelo goba seripa sa yona tirelong yeo e dumeletswego ka Molao wa Ditekanyetso ge e le gore—

(i) tshelete ka moka yeo e lekanyeditswego boutu yeo, go lebelelwa koketso yeo e bolwago karolong 6(2), e fetisitswe

(ii) thibelo, go ya ka dipeakanyetso tsa karolo 5(3), godimo ga tshenyegelo yeo e tliswago akhaonteng e le debiti ya mafelelo, goba

- (iii) tshelete ye e bontshwago "Kholomong 2" ya setule ya Molao wa Ditekanyetso mabapi le tirelo, e fetisitswe gomme go se go humanwe tumelelo yeo e supsago karolong 7(1)(b)(ii) e se e hwetswe goba koketso yeo e supsago karolong 6(2) e se e dirwe;
 - (c) mohlankedi yo a ikarabelago matlotlong a palelwa ke go ntsha tumelelo ya tshwanelo go tswa Sesegotlotlong sa Profense yeo e nyakegago go ya ka dipeakanyetso tsa Molao wo goba o mongwe, go Mohlakisipharephare;
 - (d) mohlankedi yo a ikarabelago matlotlong a dirile tefo ye e thumago le Molao.
- (2) Ditshenyegelo tseo di sa dumelelwago tseo di ukangwago karolwaneng (1) di ka seke tsa tsewa gore di swanetse go tswa Letloleng la Ditseno la Profense go fihlela—
- (a) mabapi le temana (a), (b) goba (c) ya karolwana yeo, ditshenyegelo tseo di angwago di dumeletswe ke Lekgotlapeamelao la Profense; goba
 - (b) Mabapi le temana (d) ya karolwana yeo, ditshenyegelo tseo di angwago di dumeletswe ka molao ke Lekgotlapeamelao la Profense.
- (3) Ditshenyegelo tseo di sa dumelelwago goba seripa sa tsona tseo di beilwego ke Lekgotlapeamelao la Profense tseo di sa dumelelwago goba go fiwa maatla a molao bjalo ka ge go ukangwa karolwaneng (2), e tla re ge mohlankedi yo a ikarabelago matlotlong a sa kgone goba a sa nyake go humana tshelete yeo go motho yo a e tserego goba yo a rwelego boikarabelo bja go dira ditshenyegelo tseo di sa dumelelwago, ditshenyegelo tseo di tla humanwa ke Sesegotlotlo sa Profense go mohlankedi yo a ikarabelago matlotlong.
- (4) Dipeakanyetso tsa temana (a), (c) le (d) tsa karolwana (1), di tla soma *mutatis mutandis* mabapi le setheo sa molao ntle ga ge go beakanyeditswe ka tsela e nngwe go ya ka molao, gomme temana (c) ge e bolela ka Sesegotlotlo sa Profense e tla hlaloswa go ba e bolela gape le ka maatla a leloko la Lekgotlaphethisi, Khuduthamaqa goba lekgotlataolo goba setheo sefe seo se nago le maatla go ya ka fao go tla go be go le ka gona.
- (5) Ditshenyegelo tseo di sa dumelelwago tseo di supsago karolwaneng (4) goba seripa sa tsona go ya ka fao Lekgotlapeamelao la Profense le tla go be le beile ka gona, di ka seke tsa tswa letloleng goba akhaonteng yeo e angwago go fihlela ge di dumelelwa, di fiwa maatla a molao goba di eba gona go ya ka tshepediso ya tlwaelo ya dikabo yeo e somago letloleng goba akhaonteng yeo e angwago: Le ge go le bjalo ditshenyegelo dife tseo di sa dumelelwago tseo e bile di sa dumelelwago goba tsa fiwa maatla a molao ka morago ga fao, di tla humanwa go mohlankedi yo a ikarabelago matlotlong ge yena a sa kgone goba a sa nyake go humana tshelete yeo go motho yo a e tserego goba yo a rwelego boikarabelo bja go dira ditshenyegelo tseo.

Khumano ya ditahlegelo le ditshenyegelo

21. (1) Motho yo a somelago goba a bego a somela Profense gomme a hloletse Profense tahlegelo goba tshenyegelo ka baka la ge—

- (a) a sitilwe go kgoboketsa ditshetele tsa Mmuso mola e be ele boikarabelo bja gagwe go kgoboketsa ditshetele tseo;

- (b) o rwele goba o be a rwele boikarabelo bja go lefa ditshetele tsa Mmuso le tsela ye e se go ya maleba goba ntle ga go thekgwa ke dibautshara tsa tshwanelo;
- (c) o rwele goba o be a rwele boikarabelo go dira ditshenyegelo tsa go hloka mohola tsa ditshetele tsa Mmuso ka baka la tlogelo ge a dira mediro ya gagwe;
- (d) o rwele goba o be a rwele boikarabelo bja sothetse goba tshenyo ya ditshetele tsa Mmuso, ditempe, dipampiri tseo di nago le boleng bja tshetele le diforomo tseo di ka bago le boleng, ditshi-
reletso, thoto, ditoro goba thoto efe ye nngwe ya Mmuso;
- (e) ka baka la tlogelo go dira mediro ya gagwe goba ka tsela ye nngwe o rwele goba o be a rwele boikarabelo bja tleleime yeo e tliswago kgahlanong le Profense, mohlankedi yo a ikarabelago matlotlong yo a angwago goba moswari wa poso yeo e supilwego ke Sesegotlotlo sa Profense, o tla bea gore a naa tshetele ye e lahlegilego ke bokae goba tshenyegelo gore a ke bokae goba tshetele ye e nyakegago ke bokae go ka reka thoto ye nngwe gore e tsene legatong la ye e sentswego goba tshetele yeo e lahlegilego, bjalo ka ge go laela ke Taelo ya Sesegotlotlo, le bile go hlokometswe dipeakanyetso tsa karolwana (5), sa laela ka tsebiso ka go ngwalwa gore motho yoo a mo lefe mo lebakeng la matsatsi a masome tharo go tloga ka tsatsikgwedi la tsebiso yeo, tshetele yeo e tlo go ba e beilwe.

(2) Ge motho yo a somelago Profense gomme go ya ka karolwana (1) a laetswe go lefa tshetele gomme a sitwa go lefa tshetele yeo lebakeng le le beilwego tsebisong yeo e bolwago, tshetele yeo e tla re, go hlokometswe dipeakanyetso tsa karolwana (4), (6) le (7) ya gogwa go tswa mogolong wa gagwe wa kgwedi le kgwedi: le ge go le bjalo tshetele yeo e gogwago e ka seke ya feta kotara ya mogolo wa gagwe wa kgwedi ntle ga ge motho yoo a dumetse ka go ngwala gore go ka gogwa tshetele e kgolwanyana.

(3) Ge motho yo a bego a somela Profense a laetswe go ya ka karolwana (1) gore a lefe tshetele a sitilwe go e lefa mo lebakeng leo le beilwego ka tsebisong, mohlankedi yo a ikarabelago matlotlong o tla re a hlokometse dipeakanyetso tsa karolwana (4), (6) le (7), a humana tshetele yeo go motho yo a angwago ka tsela ya semolao.

(4) Ge motho yo a laetswego go lefa tshetele go ya ka karolwana (1), a ka dira ofara mo lebakeng le le beilwego, go ka lefa tshetele yeo ka dikgaokgao, mohlankedi yo a ikarabelago matlotlong goba motho yo a swerego poso ye e supilwego ke Sesegotlotlo sa Profense, a ka dumelela tefo ka dikgaokgao tseo go ya ka fao a ka bonago ele maleba: Le ge go le bjalo, ge tshetele yeo e kolotwago e ka se lefse mo lebakeng la dikgwedi tse lesomepedi go tloga tsatsikgwedi leo sekgao sa mathomo se swanetsego go lefsa ka lona, tumelelo ya Sesegotlotlo sa Profense e swanetse go humanwa lebaka leo le lego ka godimo ga lebaka leo le boletswego gomme Sesegotlotlo sa Profense se ka bea mabaka le ditshupo tseo tshetele yeo e tla go lefsa tlase ga ona.

(5) Ge ka lebaka le lengwe, mohlankedi yo a ikarabelago matlotlong goba moswari wa poso ye e supilwego ke Sesegotlotlo sa Profense, a nale kgopolo ya gore tshelete ye e beilwego go ya ka karolwana (1), e swanetse go humanwa goba go humanwe seripa sa yona fela go tswa mothong yo a swanetsego go e lefa, a ka kgopela Sesegotlotlo sa Profense go lokolla motho yoo tefong ya tshelete yeo goba seripa sa yona gomme Sesegotlotlo sa Profense se ka re go ya ka mo se bonago se dumelela gore tshelete yeo goba seripa sa yona se se humanwe.

(6) Motho yo go ya ka karolwana (1) a laetswego go lefa tshelete a ka re mo lebakeng la matsatsi a masome a mararo go tloga ka tsatsikgwedi la taelo yeo, a kgopela ka go ngwala mohlankedi yo a ikarabelago matlotlong yo a angwago, a bolela mabaka a kgopelo ya gagwe, gore kgopelo ye e unkgangwago mo karolwaneng (5), e lebantshwe go Sesegotlotlo sa Profense goba ge Sesegotlotlo sa Profense se gana go e dumela, go ya ka fao go ukangwago mo karolwaneng yeo, ya tshelete ka moka goba seripa sa yona e sa humanwe go ya ka fa go kgopetswego, motho yoo o tla re mo lebakeng la matsatsi a masometharo morago ga ge a seno tsebiswa ka kgano yeo, a dira boipiletso kgahlanong le kgano yeo go Leloko leo le rwelego boikarabelo gomme Leloko leo le angwago le tla re morago ga nyakisiso go ya pele yeo a ka go bona e nyakega a phaela boipiletso bjoo thoko goba a laela gore moipiletsi a lokollwe go se lefe tshelete yeo ka moka goba a se lefe seripa sa yona go ya ka fao a ka bonago go lokile.

(7) Motho yo a laetswego go ya ka karolwana (1) go lefa tshelete a ka re sebakeng sa go dira boipiletso go Leloko leo le rwelego boikarabelo go ya ka karolwana (6), a re mo lebakeng la matsatsi a masometharo go tloga ka tsatsikgwedi la taelo yeo goba lebakeng le le telefaditswego leo kgorotsheko e ka go le dumelela, a kgopela kgorotsheko ya maleba go kgafela thoko taelo yeo e boletswego pejana goba go fokotsa tshelete yeo gomme e ka re kgopelong e bjalo, ge e se e kgotsofale gore mohlankedi yo a ikarabelago matlotlong, ge go lebelelwa mabaka a molato, gore o dirile taelo ya tshwanelo goba gore tshelete ye e nepagetse, ya dira taelo ya go phaela thoko taelo yeo e boletswego pejana goba ya fokotsa tshelete yeo, go ya ka mo e bonago.

(8) Ge tshelete e fokoditswe go ya ka karolwana (5), (6) le (7), tshelete yeo e fokoditswego e tla humanwa *mutatis mutandis* go ya ka dipeakanyetso tsa karolwana (1), (2), (3) le (4).

(9) Ge motho yo a laetswego go ya ka karolwana (1) go lefa tshelete, a sitwa go e lefa mo lebakeng leo le beilwego tsebiso, go tla tsewa gore sekoloto seo se hloletse Profense, go ya ka karolo 28(6).

Ditiisetso mabapi le dikadimo

22. (1) Ge leloko leo le rwelego boikarabelo Lekgotlaphethising gomme, ge e se leloko la Lekgotlaphethisi leo le rwelego boikarabelo bja merero ya matlotlo, le leloko la Lekgotlaphethisi leo le rwelego boikarabelo bja merero ya matlotlo ba kgotsofetse gore dipeakanyetso tsa karolwana (3) di a phethagatswa, leloko leo le rwelego boikarabelo ka tumelelano le leloko la Lekgotlaphethisi leo le rwelego boikarabelo mererong ya matlotlo, ge eba e se yena, morago ga ge dipeakanyetso tsa karolo 157(3) tsa Molaotheo di phethagaditswe, le ka re nako le nako eupsa le hlokometse dinyakwa tsa karolwana (3) le mabaka ao le ka bego le a kwanetse le leloko

la Lekgotlaphethisi leo le ikarabelago mererong ya matlotlo, ge ebe e se yena motho yoo, le ka phetha go akaretswa le go beela thoko ditsela tsa semolao tsa maarogi tseo le ka bego le ka di somisa go itshireletsa, go ya ka fao a bonago ka gona. La fana ka tiisetso mabapi le ditlamego tsa tshelete tseo di runyago kadimong yeo e tsenetswego goba yeo e ilego go tsenelwa le mmuso wa selegae goba boto goba setheo seo se hlomilwego go ya ka molao, seo morago ga fa se tlogo bitswa setheo seo e lego motho-mahlong-a-molao, seo se lego Profenseng yeo e boletswego.

(2) Tiisetso yeo e swanetsego gore go fanwe ka yona go ya ka karolwana (1), e ka senkwa fela ge ele gore leloko leo le rwelego boikarabelo gomme ga e se leloko la Lekgotlaphethisi leo le ikarabelago mererong ya matlotlo, le lekolo la Lekgotlaphethisi leo le ikarabelago mererong ya matlotlo, ge kgopelo ya tiisetso e na le tigelo ya go ngwalwa ya gore tiisetso e bjalo e fiwe ke lekgotlaphethisi la pusoselegae goba setheo seo e lego motho-mahlong-a-molao se mabapi le sona tiisetso yeo e swanetsego go fiwa, go ya ka fao go lego ka gona.

(3) Tiisetso yeo e filwego go ya ka dipeakanyetso tsa karolwana (1) e swanetse go phethagatsa lebaka la—

(a) tshelete ya go tswa thekisong, ya kadimo yeo e tiiseditswego ka tsela yeo—

- (i) e tla somisetswa moholeng wa setshaba gona lefelong leo le welago taolong ya pusoselegae yeo godimo ga kadimo ya yona go nyakegago tiisetso goba tikologong ya Profense goba seripa sa yona, ke setheo seo e lego motho-mahlong-a-molao;
- (ii) e ka se somisetswe go lefela ditshenyegelo tseo di lego gona;
- (iii) e tla somiswa go ya ka dipeakanyetso tsa molao woo o fetisitswego profenseng yeo, o sireletsa kadimo ka pusoselegae, ge ele gore tiisetso e filwe mabapi le kadimo ya pusoselegae, le gona
- (iv) e tla arabelwa ke pusoselegae goba setheo sa semolao seo e lego motho-mahlong-a-molao, go ya ka fao go tla go be go le ka gona.

(b) leloko leo le rwelego boikarabelo, ka tshedimoso yeo a e filwego ke lekgotlaphethisi la pusoselegae goba setheo sa semolao seo e lego motho-mahlong-a-molao, go ya ka fao go lego ka gona, le tla ikgotsofatsa gore—

- (i) ditshetele tseo di nyakegago di ka se kgone go hwetswa ntle ga kadimo ye e tiiseditswego;
- (ii) ga go kgonono ya maleba yeo e lego gona ya gore pusoselegae goba setheo sa semolao seo se angwago se tla kgona go phethagatsa mabaka le ditlamego tseo kadimo e filwego go ya ka tsona;
- (iii) dipeakanyetso tsa kwano ya kadimo yeo e angwago—
 - (aa) di phethagatsa dintlha tseo ka kakaretso di amo-gelegago tsa dikwano tsa dikadimo;

(bb) di tla ba di nepagetse go ya ka molao le ka setegeniki; le gona

(cc) di tla tswetsa ka botlalo ditlamego tsa mmuso wa profense woo o tlo go ba motiisetsi le ka tsela yeo ditshenyegelo tseo profense yeo e ka go di dira go ya ka tiisetso di tla humanwa.

(iv) ge go lebelelwa taba ya gore tiisetso ya kadimo yeo e a nyakega, ditshenyagalelo tsa kadimo yeo di tla ba bonyane di nyalane le mmaraka;

(v) go ba gona ga tshelete ya dithekiso ya kadimo, go ka se huetse gampe boitao tshomisong ya matlotlo pusosele-gaeng goba setheong sa semolao seo se angwago; le

(4) Tefo ya Mmuso wa Profense woo e lego motiisetsi wa ditleime tsa tshwanelo tseo di tswago tiisetso ye e filwego go ya ka dipeakanyetso tsa karolwana (1)—

(a) e tla tsewa gore e lekanyeditswe merero yeo; le gona

(b) e swanetse go begwa ka Lekgotlapeamelaong la Profense, ke leloko leo le rwelego boikarabelo, kapelepele ka mo go kgonegago, eupsa e be mo lebakeng la dikgwedi tse di seletago morago ga tefo yeo gomme a tla re sammaletee a ala pego Lekgotlapeamelaong leo, e swere mabaka a a amanago le go lefisa ga tefo yeo.

(5) Leloko la Lekgotlaphethisi leo le rwelego boikarabelo mererong ya matlotlo a profense, o tla re kapelapela ka moo go kgonegago, eupsa fela e seke ya ba ka morago ga kgwedi tse di seletsego morago ga go tswalelwa ga ngwaga wa ditshetele, le tla dira gore go phatlalatswe *Kazete ya Profense*, pego yeo e laetsago mabapi le tiisetso ye nngwe le ye nngwe yeo e filwego ke profense go ya ka karolwana (1), leina la pusoselegae goba setheo sa semolao seo mabapi le sona go filwego tiisetso, tshelete ya ditlamego tseo di ka go nyarela go tswa go tiisetso e nngwe le e nngwe, le gona ge go nale tshelete ya dinaga di sele yeo e angwago, tshelete yeo le ngwaga wa mafelelo woo tiisetso yeo e tla go fela ka ona.

(6) Le ge go ka ba eng mo molaong wo goba molaong o mongwe seo se hlolago thulano, tiisetso ka mmuso wa profense mabapi le ditlamego tsa ditshetele tseo di tswago kadimong, e tla fiwa fela go ya ka karolo ye le gona go hlokometswe dipeakanyetso tsa karolo 157(3) ya Molaotheo.

(7) Tshupo go "leloko le le rwelego boikarabelo" mo karolong ye, e tla tsewa go ba tshupo go leloko la Lekgotlaphetshisi leo le laolago notofoto yeo e angwago thwii goba aowa, tabeng yeo e amanago le ditshenyegelo tsa go tswa ditshetele tseo di tswago dithekisong tsa kadimo yeo mabapi le yona go filwego tiisetso go ya ka karolwana (1), gomme ge leloko leo le rwele boikarabelo mererong ya matlotlo ka Lekgotlaphetshising le nale kgonono ye e itsego gore a naa leloko leo le rwelego boikarabelo ke mang, e tla ba leloko la Lekgotlaphetshisi leo le tla go be le beilwe ke Lekgotlaphetshisi gore le rwale boikarabelo mererong ya matlotlo.

Tiragatso ya dipeakanyetso tse di itsego mabapi le maatla a leloko le le rwelego boikarabelo le maatla a go neelana ka maatla

23. (1) Nako le nako ge molao o nyaka gore leloko la Lekgotlaphetshisi le dire se sengwe le se sengwe ka ditherisano goba ka morago ga ditherisano le Leloko le le rwelego boikarabelo goba ka tumelelano le yena, senyakwa seo go tla tsewa gore se phethagaditswe ge ditherisano di bile makgatheng Balaodi ba maikarabelo goba baemedi ba bona, ntle ga ge o mongwe wa maloko a laetse ka tsela e nngwe.

(2) Ntle ga taba yeo e lego gore karolwana (1), e soma go yona, Leloko leo le rwelego boikarabelo le ka neela mohlankedi Lekala yeo dipeakanyetso tsa Molao wo di somago goba molao ofe le ofe woo a o somisago, maatla a a filwego goba modiro wo a o filwego go ya ka Molao wo goba molao o mongwe, mabapi le ditseno, ditshenyegelo goba thoto ya Profense goba setheo sa semolao, ntle ga maatla a go dira melawana le maatla goba modiro wo o ukangwago karolong 4(3), 7, 21(6) le 24(3), eupsa gorialo ga go re gore le tla tseelwa maatla goba mosomo woo a neelanego ka ona, gomme a ka fetosa goba a gomisa sephetho sa mohlankedi yo a se tserego go ya ka neelano yeo ya maatla.

Melawana

24. (1) Leloko leo le rwelego boikarabelo le ka dira melawana yeo e sego kgahlanong le melawana ya Matlotlo yeo e dirilwego go ya ka Molao wa Matlotlo wa Setshaba, 1994, gomme e soma Profenseng go—

- (a) kgethela bahlankedi ba ba ikarabelago matlotlong mediro le maikarabelo a mangwe;
- (b) beakanyetsa go kgethwa ga bahlankedi bjalo ka baamogedibagolo ba profense ba ditseno le go ba kgethela mediro le maikarabelo bjalo ka baamogedibagolo; ba profense;
- (c) beakanyetsa dipusetso go tswa ditsenong tseo di lego gona tseo tsa go tsewa ka phoso;
- (d) beakanyetsa go kgethwa ga bahlankedi goba batho ba bangwe bjalo ka basepedisi ba matlotlo le ga bahlankedi ba bangwe bjalo ka diakhaontente tsa di potofolio le go ba kgethela mediro le maikarabelo;
- (e) go kgetha mokgwa woo o tla go latelwa go kgoboketseng, kamo-gelong, go pankeng, go loteng, go lefeng, go abaganyeng le go laoleng, go arabeleng le go hlokomela ditshelete tsa Mmuso le diakhaonte tsa tsona;
- (f) go bea mabaka ao dimpho di ka go amogelwa le go somiswa ke Profense;
- (g) go beakanyetsa taolo go tsea setoko ga ditshireletso, ditempe, le thoto ye nngwe ya Mmuso;
- (h) go beakanyetsa mokgwa le ditshepediso tseo ka tsona bahlankedi ba ba ikarabelago matlotlong le Sesegotlotlo sa Profense se tla go diragatsa maatla le go dira mesomo yeo ba e filwego go ya ka Molao wo;
- (i) go dira dipeakanyetso mabapi le dipeakanyo tsa matlotlo mabapi le tirelo ye e fiwago ke ye nngwe go ye nngwe;

- (j) go beakanyetsa ka kakaretso taolo ya dipeakanyetso le go ka fihlela dinepo tsa Molao wo.
- (k) e beakareyetsa tlhomo ya dikomiti tša tlhokišo le dikomiti tša tlhakišo tša seng.

(2) Melawana ye e fapanego go ya ka karolwana (1) e ka direlwa magoro a a fapanego mabapi le ditshetele tsa Mmuso goba thoto e nngwe ya Mmuso, goba magoro a a fapanego a batho bao ba filwego boikarabelo bja go kgoboketsa, go amogela, go panka, go lota, go lefa, go abaganya le go laola, go arabela go, le go hlokomela ditshetele le thoto e nngwe ya Mmuso.

(3) Leloko leo le rwelego boikarabelo, le ka re ge go ya ka kgopolo ya lona mabaka a le gona, a beakanyetsa gore molawana wo o dirilwego go ya ka karolwana (1) ga go nyakege gore o phethagatswe goba ga go nyakege gore o phethagatswe go fihla fao yena a go beilego.

(4) Melawana ya Matlotlo ye e dirilwego go ya ka Molao wa Matlotlo wa Setshaba, e tla soma *mutatis mutandis* Profenseng go ba go fihla e fetoswa ke Melawana yeo e ntshitswego ke Leloko leo le rwelego boikarabelo.

Ditaelo

25. (1) Sesegotlotlo sa Profense se ka re nako le nako sa ntsha ditaelo tseo di ka se thumanego le Melawana, mabapi le—

- (a) taba efe le efe ye e bolelwago karolong 18;
- (b) taba efe le efe ye e bolelwago karolong 24;
- (c) mokgwa woo ka ona bahlankedi ba ba ikarabelago matlotlong ba swanetsego go dira dineelo go Sesegotlotlo sa Profense le batho bao ba swanetsego go saena dineelo tseo;
- (d) ka kakaretso, taolo ya dipeakanyetso tsa Molao wo le Melawana le phihlelelo ya dinepo tsa ona.

(2) Sesegotlotlo sa Profense se ka dumelela gore go fapogwe Taelo, ge go ya ka kgopolo ya sona, mabaka a nyaka bjalo.

(3) Ditaelo tsa Sesegotlotlo tseo di ntshitswego ga ya ka Molao wa Matlotlo wa Setshaba, di tla soma *mutatis mutandis* Profenseng go ba go fihlela ge di fetoswa goba di tseelwa legato ke Ditaelo tseo di ntshitswego ke sesegotlotlo.

Ditaelo tsa ditseno

26. Mohlankedi yo a supilwego bjalo ka moamogedimogolo wa profense wa ditseno a ka re nako le nako, gomme o tla dira bjalo ge a nyakwa ke Sesegotlotlo go dira bjalo, a ntsha ditaelo go batho ka moka bao ba rwelego boikarabelo bja kgoboketso, taolo le kabaganyo ya ditseno tseo e lego moamogedimogolo wo profense wa tsona goba wa ditseno di ka go bontshwa ke Sesegotlotlo, ditaelo tse bjalo (di bitswago Ditaelo tsa Ditseno), go ya ka fao Sesegotlotlo se kago e dumelela goba sa nyaka gore a di ntshe mabapi le kgoboketso, taolo le kabaganyo.

KGAOLO III

THAETLELE E KOPANA

Thaetlele e kopana

27. Molao wo a tla bitswa Molao wa Matlotlo wa Profense ya Lebowa la Transefala, 1994.

NDIVHADZO YA VUNDU

OFISI YA PREMIA

No. 4

7 Tshimedzi 1994

Hu khou divhadzwa henefha uri Premia o tendela Mulayo u tevhelaho une wa khou anadziwa uri u divhiwe nga vhothe:—

No. 3 wa 1994: Mulayo wa Mulanga gwama wa Vundu la Transivala Devhula, 1994.

MULAYO

Wa uri hu vhe na ndaulo ya u kuvhanganya, u tanganedza, ndango, mbulungo na u bvisa mali ya Muvhuso na thanganedzo, ndondolo na ndango ya thundu ya Muvhuso; pfanelo na maanda a Vhulangagwama; u nea khwathisedzo, mulifho wa tshinyalelo na tsireledzo; na manwe mafhungo o kwamanaho nazwo.

(Tshipida tsha Tshiisimanetsho sainwaho nga Premia)

(Tsho divhadzwa kha nga 6 Tshimedzi 1994)

HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Devhula ha Transivala nga ndila i tevhelaho:—

Thandavhudzo

1. (1) Kha hoyu Mulayo, nga nnda ha musu zwi re ngomu zwi tshi sumbedza nga inwe ndila—

“muofisi wa mbalelano” zwi amba muthu o bulwaho kha khethekanyo 16 na 17;

“mugaganyo wa ndinganyedzo” zwi amba mugaganyo wa zwibviswa kha Tshikwama tsha Mbuelo ya Vundu we wa swikiswa kha Vhusimamilayo ha Vundu malugana na zwibviswa kha tshumelo ya Vundu, henefho fhedzi kha—

(a) u sudzuluswa ha mali vhukati na ngomu ha dzi voutu;

- (b) u kovhololwa ha mali ye ya vha yo kovhiwa nga vhusimamila-
layo ha Vundu kha ṛwaha wo fhiraho wa muvhalelano,
hone i si shume;
 - (c) mali yo kovhiwaho ya tshumelo ya Vundu malugana na
musi hu si na mali yo kovhiwaho kana i songo eḡana kha
ṛwaha wonoyo wa muvhalelano, ine ya vha yeneyo fhedzi i
no fanela u kovhiwa—
 - (i) i tshi bva kha mali yo waniwaho nga u rengisa
thundu dza Vundu;
 - (ii) nge ha vha na thendelo yo bviswaho fhasi ha khe-
thekanyo 7;
 - (iii) malugana na zwibviswa zwo no ḡi divhadzwaho
nga Murado a re na vhuḡifhinduleli kha nyambo
yawo musi hu tshi khou adzwa zwa Mulayo wa mu-
kovhe kha Vhusimamilayo ha Vundu; kana
 - (iv) malugana na zwibviswa zwi songo Lavhelelwaho,
zwi sa koni u tinyiwa nga Vhulangagwama la
Vundu; kana
 - (d) tshanduko ifhio na ifhio kana nyedanyiso kha Mulayo wa
mukovhe une wa shuma kha ṛwaha wonoyo wa muvhale-
lano na hone une wa sedzwa nga Vhulangagwama sa
thodea; na
 - (e) mikovhe ya u ḡadzisa ya maimela kana i si ya maimela ya
Phalamennde;
- “akhaundu ya mukovhe” zwi amba akhaundu yo bulwaho kha khethe-
kanyo 15;
- “Mulayo wa mukovhe” zwi amba mulayo une ngawo migaganyo ya
zwibviswa kana mugaganyo wa ndinganyedzo wa kovhiwa sa ndifho
ya Akhaundu ya Mbuelo ya Vundu yo tendelwaho nga Vhusimami-
layo ha Vundu;
- “Oditha Dzhenerala” zwi amba muthu we a tholwa o raloho hu tshi
tevhedzwa khethekanyo 191(2) ya Mulayotewa;
- “Bannga” zwi amba bannga yo bulwaho kha Mulayo wa Dzibannga,
1990 (Mulayo No. 94 wa 1990);
- “Khiredithi” zwi amba u longa mali kha Akhaundu ya Muholeli Dzhene-
nerala i tshi ya kha muofisi wa muvhalelano;
- “migaganyo ya zwibviswa” zwi amba mugaganyo wa zwibviswa zwo
lavhelelwaho zwi tshi bva kha Tshikwama tsha Mbuelo kha tshumelo
ya Vundu kha ṛwaha wa muvhalelano ine ya swikiswa kha Vhusi-
mamilayo ha Vundu nahone i na zwidodombedzwa na ndivho dzine
mali, yo kovhiwaho kha Mulayo wa mukovhe ya ḡo shuma, hu tshi
katelwa migaganyo ifhio na ifhio ya zwibviswa zwa u ḡadzisa kha
tshumelo dzo raloho kha ṛwaha wonoyo wa muvhalelano zwiṛne
zwa vhone zwi tshi toḡea uri dzi newe ho ranga u swikiswa
mugaganyo wo rangaho u bulwa wa iswa kha Vhusimamiliyo ha
Vundu, hone zwi sa athu tendelwa;
- “Akhaundu ya Gwama” zwi amba akhaundu yo bulwaho kha khethe-
kanyo 3(1);
- “ṛwaha wa muvhalelano” zwi amba tshifhinga u bva 1 Lambamai
ṛwaha ufhio a ufhio u swika 31 Thafamuhwe kha ṛwaha u
tevhelaho;

"Ndaela" zwi amba ndaela yo bviswaho nga Vhulangagwama hu tshi tevhedzwa mulayo wa gwama la lushaka;

"Vhulangagwama ha Lushaka" zwi amba vhulaedzwa ha zwa mali kha Tshumelo yo Muvhuso ho hweswaho kha Muhasho wa Zwishumiswa zwa Muvhuso zwo bulwaho kha Mulayo wa Tshumelo ya Muvhuso, 1994, vhune maanda a hone malugana na mafhungo afhio na afhio a shumiswa nga Minista wa Gwama kana Muofisiri kha wonoyo muhasho ane nge a newa maanda kha khethekanyo ya mushumo kha muhasho wonoyo, a shuma mafhungo eneo;

"Akhaundu ya Muholeli Dzhenerala" zwi amba akhaundu yo bulwaho kha khethekanyo 9(1);

"mulandu wa Vundu" zwi amba mali yo hadzimiwaho nga Vundu hu tshi tevhedzwa mulayo ufho na ufho kana ye ya khokhelwa Vundu hu tshi tevhedzwa khethekanyo 239 ya Mulayotewa nahone ihe ya fanela u lixwa nga Tshikwama tsha Mbuelo;

"Mbuelo" zwi amba uri mali yotthe ye ya tou tangedzwa kana ya ndifho dze dza tou rumelwa dzi tshi bva kha Tshikwama tsha Mbuelo ya Lushaka nga ndila ya mithelo, zwiposwa kana muthelo wa thundu na tangedzo dzotthe dza tshinwe tshifhinga na dzinwe dza Vundu, i tshi bva ngafhi kana ngafhi, ihe ya nga kovhiwa nga Vhusimamilayo ha Vundu, hezwo zwi katela na mali yo pambiwaho hu tshi tevhedzwa zwi re kha Mulayo wonoyu, hone a zwi kateli mali ya tshigwevho tshifhio na tshifhio i sa fhiri R50 ye ya hweswa muthu ufho na ufho nga kotho ya mulayo, arali mali yo raloho i songo bviswa, kana mbuelo ihe ya khokhana ya wela kha Tshikwama tsha Mbuelo ya Lushaka kana Tshikwama tshifhio na tshifhio tsha Mbuelo ya Vundu;

"Ndaulo" zwi amba ndaulo yo itwaho nga Murado a re na vhudifhinduleli hu tshi tevhedzwa khethekanyo 24,

"Akhaundu ya Mbuelo" zwi amba tshikwama tsho bulwaho kha khethekanyo 2;

"Tshikwama tsha Mbuelo" zwi amba tshikwama tsho thomiwaho nga khethekanyo 159 ya Mulayotewa;

"phimo ya muingozwawo wa tshilinganyo" zwi amba phimo ya muingozwayo yo tiwaho hu tshi tevhedzwa mulayo wa gwama la lushaka;

"Mali ya Muvhuso" zwi amba—

(a) mbuelo dzotthe; na

(b) mali inwe yotthe ifhio na ifhio ye ya tangedzwa kana yo farwaho nga muofisi wa akhaundu ya kana a tshi itela Vundu;

"Thundu ya muvhuso" zwi amba thundu ifhio na ifhio ya Vundu, ihe i tshi shuma ya si langiwe nga mulayo ufho na ufho;

"tshigwada tsha milayo" zwi amba maanda apo, bodo, tshikwama, tshimiswa, khamphani, mbumbano, kana linwe dzangano le la thomiwa kana la vhumbiwa nga kana fhasi ha mulayo ufho na ufho hune mali ya bviswa i tshi bva kha Akhaundu ya Mbuelo kana akhaundu dza zwenezwo dzi fanela u odithiwa nga oditha Dzhenerala;

"Mulayotewa" zwi amba Mulayotewa wa Riphabuliki ya Afrika Tshipembe, 1993 (Mulayo No. 200 wa 1993);

"Murado a re na vhudifhinduleli" zwi amba murado wa Khorombusi wa Vundu a re na vhudifhinduleli kha mafhungo a mali ya vundu.

"Mulayo uyu" u dovha wa katela ndaulo ifhio na ifhio kana ndayo yo bviswaho nga fhasi hawo.

"Vhulangagwama" zwi amba vhulaedzwa ha zwa mali kha Vundu vhu re kha khethekanyo i muhasho u re na ndivhanele na zwa mali vhune maanda aho malugana na mafhungo afhio na afhio a shumiswa nga Murado a re na Vhudifhinduleli kana muofisi kha yeneyo khethekanyo, ane nga hwambo wa khethekanyo ya mishumo kha uyo khethekanyo, a shumana na aneo mafhungo;

"mali ya vhufareli" zwi amba mali yo vhulungwaho nga muofisi wa mbalelano kana muhwe muthu a re mushumoni wa Vundu o imela muthu kana tshigwada, zwine mali yeneyo i si vhe thundu ya Muvhuso;

"thundu ya vhufareli" zwi amba thundu yo vhulungwaho nga muofisi we mbalelano kana muhwe muthu a re mushumoni wa Vundu o imela muthu kana tshigwada, zwine yeneyo thundu i si vhe thundu ya Muvhuso;

"voutu" zwi amba voutu yo sumbedzwaho kha muengedzo kha Mulayo wa mbetshelo;

(2) Mubulo kha mulayo ufhio na ufhio kha Tshikwama tsha Mbuelo ya Muvhuso malugana na maanda o nekedzwaho Vundu kana a re kha Vundu, u do sedzwa sa mubulo kha Tshikwama tsha Mbuelo nga afho hune ayo maanda a newa kana a vha kha Vundu.

NDIMA YA 1

MBUELO, ZWIBVISWA NA MAITELE A VHUAKHAUNDU

Akhaundu dza Tshikwama tsha Mbuelo

2. Vhulangagwama vhu do vha na mbekanyelo buguni dzaho malugana na Tshikwama tsha Mbuelo tsha Akhaundu ya Mbuelo ine ya do newa na mbuelo yothhe ye ya khokhiwa khayoyi tshi tevhedzwa Mulayo uyu kana mulayo ufhio na ufhio, ine khayoyi ha do lixwa zwibviswa zwothhe nahone ha bviswa mali ifhio na ifhio ye ya vhewa hu tshi tevhedzwa Mulayo uyu kana mulayo muhwe ufhio na ufhio.

Akhaundu ya Gwama

3. (1) (a) Vhulangagwama vhu do vha na akhaundu ya Bannga ine ya pfi "Akhaundu ya Gwama la Vundu" ine khayoyi ha do vhewa mbuelo dzothhe.

(b) U vhewa ha mali ho raloho hu do itwa nga duvha linwe na linwe la u shuma lo fanelaho.

(2) Bannga i do shumela Vhulangagwama nga duvha linwe na linwe la mushumo lo fanelaho, nga ndila ine ya nga vhewa nga Vhulangagwama, fomō dza mbuelo ye ya vhewa kha Akhaundu ya Gwama.

(3) Vhulangagwama vhu nga shumisa mali ifhio na ifhio i re kha Akhaundu ya Gwama i tshi lifha zwibviswa ine ya hweswa Akhaundu ye ya bulwa kha khethekanyo 2.

(4) Vhulangagwama vhu do vhona uri tshifhinga tshothe hu do vha na mali yo edanaho kha Akhaundu ya Gwama ine ya do fhiriswa hu tshi tevhedzwa khethekanyo 9(1).

Mukovhe wa Mali kha Tshikwama tsha Mbuelo, na migaganyo ya zwibviswa na mbuelo

4. (1) Mali ine ya vha kha Tshikwama tsha Mbuelo i do kovhiwa nga Vhusimamilayo ha Vundu sa zwo hweswaho Akhaundu ya Mbuelo ya Vundu nga Mulayo wa mukovhe kana muhwe mulayo hu tshi itelwa thodea dza Vundu: Tenda u swika tshifhinga tsho raloho ho itwa nzudza-nyelo kha Mulayo wa mukovhe hu tshi itelwa thodea dzo raloho tshifhinganani tsha hwaha wa muvhalelano, mali yo raloho i do dzhiwa sa yo kovhiwaho nga Mulayo wa thodea dzo raloho, hu tshi tevhedzwa mikano heyi:

- (a) malugana na muhwe na muhwe wa mihwedzi i tevhelaho, u swika kha phesente i sa fhiri 45 ya; na
- (b) malugana na muhwe na muhwe wa mihwedzi i tevhelaho u swika kha phesente i sa fhiri 10 ya; na
- (c) kha thanganyelo, u swika i sa fhiri mali ye ya voutelwa nga Vhusimamilayo ha Vundu, nga Mulayo wa mukovhe uhe wa kha di bva u rangela hwaha wa muvhalelano.

(2) Zwibvisiwa nga maanda a proviso ya khethekanyo thukhu ya (1) i do dzhiwa sa zwibvisiwa nga maanda a Mulayo wa mukovhe wa hwaha wa muvhalelano wo bulwaho, nahone sa zwo hweswaho Akhaundu ya Mbuelo.

(3) Mali dze dza dzhiwa sa dzo kovhiwaho sa zwo bulwaho kha proviso ya khethekanyo thukhu (1) i do shuma fhedzi kha tshumelo malugana na zwibviswa zwo tendelwaho nga Mulayo wa mukovhe tshifhinganani tshine tsha kha di bva u rangela hwaha wa muvhalelano, kana arali hu na thendelo ya muhwe Mulayo i hone.

(4) Musi hu tshi shuma khethekanyo iyi hune—

- (a) Vundu la si kone u tangedza mulayo wa mukovhe vhunga wo vha u sa athu vha hohe; kana
- (b) mihe mishumo yo vha yo hweswa Vundu muso mulayo wa mukovhe wa hwaha wo fhelaho wa muvhalelano wo no simiwa, kha mafhungo a pharagirafu (a) mali yothe ye khayi ha tewa phesente yo livhanaho nayo i humbulwa nga Murado a re na vhudifhinduleli, nahone kha mafhungo a pharagirafu (b) mali yothe ya Mulayo wa mukovhe wa hwaha wo fhelaho i engedzwa nga tshumelo yeneyo ya hwaha wothe nahone mishumo yeneyo i pfi ndi tshipida tsha Mulayo wonoyo wa mukovhe hu tshi tevhedzwa khethekanyo thukhu ya (3)

(5) Murado a re na vhudifhinduleli—

- (a) u do ita hezwi nga hwaha muhwe na muhwe wa muvhalelano, kha fomo yo humbulwaho nga Minista a re na vhudifhinduleli kha mafhungo a mali ya Lushaka u do swikisa mugaganyo wa Mbuelo kha Vhusimamilayo ha Vundu na mugaganyo wa zwibviswa zwine zwa do lixwa zwi tshi bva kha Akhaundu ya Mbuelo; nahone
- (b) a nga di swikisa kha Vhusimamilayo ha Vundu, mugaganyo wa ndinganyedzo wa zwine zwa do lixwa.

Tshifhinga tsha Mulayo wa mukovhe na zwibviswa kha nwaha wa muvhalelano

5. (1) Mulayo wa mukovhe a u nga do sedziwa sa u tendelaho u shumiswa ha mali yo kovhiwaho kha nwaha muhwe arali u si we ya kovhelwa wone.

(2) Hu tshi tevhedzwa zwa mbekanyelo ya khethekanyo thukhu (3) na khethekanyo (7) zwibviswa zwa nwaha muhwe na muhwe wa muvhalelano zwi do shuma malugana na mulayo u no khou shuma wa mukovhe nahone, malugana na voutu inwe na inwe, hu tshi tevhedzwa khethekanyo khulwane dzawo, zwidodombedzwa zwa izwo zwi do katelwa kha migaganyo ya zwibviswa na mugaganyo wa dzinyedanyiso.

(3) Zwibviswa zwa tshumelo ya mbekanyelo ye ya vha i songo itwa kana i songo edana kha mulayo wa mukovhe a zwi nga do diswa kha akhaundu sa mulandu wa u fhedzisela wa voutu arali hu si—

- (a) kha mafhungo mbekanyelo i songo edanaho, mbulungo nga fhasi ha khethekanyo khulwane ya voutu yeneyo i tshi khou humbelelwa zwibviswa zwo raloho, arali Vhulangagwama ha Vundu vhu songo zwi sumba nga inwe ndila; kana
- (b) murado a re na vhudifhinduleli o newa thendelo yo tou nwalwaho ya zwenezwo hu tshi kha di vha na tshifhinga hu tshi tevhedzwa khethekanyo 7.

Kholumu 2—zwitehwa

6. (1) Mali ine ya vhonala kha "Kholumu 2" ya shedulu ya Mulayo wa mukovhe malugana na voutu ifhio na ifhio, i songo pfukiwa, hu tshi tevhedzwa mbekanyelo ya khethekanyo 7(1)(b)(ii), nahone mali yo vhulungwaho heneffho, arali ho wanala thendelo ya Murado u re na vhudifhinduleli, i nga di shuma u lifha zwibviswa zwifho na zwifhio zwe mukovhe wazwo wa vha u songo edana musi hu tshi itwa voutu yeneyo.

(2) Mali ine ya vhonala kha "Kholumu 2" ya shedulu ya Mulayo wa mukovhe malugana na voutu ifhio na ifhio, i nga di engedzwa nga tshipida tsho raloho tsha mali yo kovhelwaho Voutu: khiwiniso ya maimela a tshumelo ya Vundu nga hune muofisi wa akhaundu wa voutu yeneyo a nga zwi humbula ngaho, musi a tshi ambedzana na gwama la Vundu.

Maanda a Murado a re na vhudifhinduleli a u shumisa mali kha mahwe maimela

7. (1) Nangwe hu na mbekanyelo ya khethekanyo 4 na 6, murado a re na vhudifhinduleli a nga tendela mali dza Tshikwama tsha Mbuelo dzi tshi shuma tshifhinganani tsha nwaha wa mbalelano—

- (a) u lifha zwibviswa zwi si zwa misi zwe zwa vha zwi songo itelwa mbekanyelo kha Mulayo wa mukovhe nahone zwe zwa vha zwi sa koni u litshelwa tshifhinga tshi daho vhathu vha si vha-sale u swikela hu tshi itwa mukovhe wazwo i tshi itwa nga Vhusimamilayo ha Vundu; kana
- (b) u lifha—
 - (i) zwibviswa zwi kwamaho zwo pfukaho zwe zwa lavhelelwa kha voutu zwine zwa si koni u litshelwa tshifhinga tshi daho vhathu vha si vha-sale u swikela hu tshi itwa mukovhe wazwo u tshi itwa nga Vhusimamilayo ha Vundu; nahone
 - (ii) zwibviswa zwi kwamaho zwo pfukaho zwe zwa lavhelelwa zwa mali ine ya vhonala kha "Kholumu 2" ya shedulu Mulayo wa mukovhe;

- (iii) Tenda mali yothe malugana na thendelo ine ya nga newa hu tshi tevhedzwa khethekanyo iyi i sa do vhuya ya fhira mali ine ya edana na phesethe mbili dza mali yothe ye ya kovhiwa nga Mulayo wa zwenezwo wa kana ine ya vha hone nga maanda a proviso ya khethekano thukhu 4(1).

(2) Hu do kandwa maga, kha dzulo li tevhelaho la Vhusimami-layo ha Vundu, u kovha mali ifhio na ifhio ye ya shuma kana i no do shuma hu tshi tevhedzwa khethekanyo thukhu (1).

(3) Maanda o humbulwaho kha khethekanyo thukhu (1) a newa fhedzi arali zwi tshi elana na mielo yo bulwaho kha thandavhudzo ya magaganyo wa ndinganyedzo wa khethekanyo (1).

Maanda a Vhulangagwama a u vhea mukano kana u litshisa u shuma ha zwibviswa

8. (1) Nangwe hu na tshifhio na tshifhio kha zwo thambanaho zwi re kha mulayo ufhio na ufhio, hu tshi katelwa mulayo ufhio na ufhio une ngawo mali ya kovhiwa hu tshi itelwa tshigwada tshifhio na tshifhio tsha mulayo, tshikwama kana akhaundu, mukovhe u itwaho nga Mulayo wa mukovhe, kana maanda o newaho hu tshi tevhedzwa khethekanyo 7, zwi do sedziwa sa zwi no khou sumba zwazwo mali nnzhi ine ya nga shumiselwa tshumelo kana ndivho ya zwenezwo, nahone Vhulangagwamu vhu nga fara kana ha dzivhisa u lixwa ha mali ye ya kovhiwa ye thendelo ya vha yo newa hu tshi tevhedzwa khethekanyo 7(1), arali nga muhumbulo wa Vhulangagwama maimela a tshi ita uri u farwa ho raloho kana u dzivhisa zwi tshi todea.

(2) Vhulangagwama ha Vundu, vhu do vha na rekhodo ya tshiwe na tshiwe tsho farwaho kana tsho dzivhiswaho hu tshi tevhedzwa khethekanyo thukhu (1) nahone vhu do tsvhanya ha divhadza muofisi wa akhaundu ane zwa mu kwama na Oditha Dzhenerala nga tshiwe na tshiwe tsho raloho u farwa kana u dzivhiswa.

(3) Mali ifhio na ifhio ye u lifhiwa hayo zwa vha zwi tshi tevhedza khethekanyo thukhu (1), ya farwa kana ya dzivhiswa i nga shumiswa tshifhingani tsha nhaha wa mbalelano wo livhanaho nayo ya shuma zwe zwa tendelwa nga Vhulangagwama.

(4) Vhulangagwama vhu do vha na rekhodo, nahone vhu do tsvhanya u divhadza Oditha Dzhenerala nga thendelo iwe na iwe yo newaho hu tshi tevhedzwa khethekanyo thukhu (3).

Akhaundu ya Muholeli Muhulwane

9. (1) Hu tshi engedzwa Akhaundu ya Gwama, Vhulangagwama vhu do vha na akhaundu Banngani, ino pfi Akhaundu ya Muholeli Muhulwane nahone inga ita uri mali nnzhisa ifhio na ifhio —

- (a) i kovhiwe nga mulayo
(b) ine ya nga di shumiselwa ndivho ifhio na ifhio hu tshi tevhedzwa maanda a mbekanyelo ya khethekanyo 7; kana
(c) ya pfi i kovhiwe nga mulayo, sa zwe zwa humbelwa hu tshi tevhedzwa khethekanyo thukhu (3), uri i bviswe kha Akhaundu ya Gwama la Vundu i fhiriselwe kha Akhaundu ya Muholeli Muhulwane.

(2) (a) Vhulangagwama vhu do nea muofisi wa akhaundu zwe a humbela, nahone kha mali ya Akhaundu ya Muholeli Muhulwane, ndifho dze dza vha dzo dzivhiswa kha zwe a shuma zwine a vha na vhudifhinduleli khazwo, zwa shurwa nga ene.

(b) Vhulangagwama vhu nga di vhea mukano kha u newa ha ndifho yo bulwaho kha pharagirafu (a) kha mali ine, kha muhumbulo waho, zwa vha zwi tshi todea u lifha zwa malugana na tshumelo kana a ndivho ine ya fanela u shumiselwa yone.

(3) Vhulangagwama a vhu nga tendi u nea mali ye ya farwa ya pfi i songo lixwa kana ya dzivhiswa hu tshi tevhedzwa khethekanyo 8(1) nga nnda ha musi ho newa thendelo hu tshi tevhedzwa khethekanyo 8(3).

(4) Muofisi wa akhaundu u do vha na akhaundu ya mali yothe ye a newa hu tshi tevhedzwa khethekanyo thukhu (2) khathihi na zwothe zwo dzivhiswaho zwi no bva khay.

(5) Muofisi wa akhaundu kha mali ya Muvhoso a nga di vhulunga iwe mali ine a vha na vhudifhinduleli nayo kha akhaundu ya Muholeli Muhulwane nahone a nga dzivhisa ndifho kha akhaundu yeneyo.

(6) Malugana na Akhaundu ya Muholeli Muhulwane Vhulangagwama vhu do vha na akhaundu ya khirediti, diphositi, ndifho ya milandu, na ya u bvisa mali, ya muofisi murwe na murwe wa akhaundu.

(7) Muofisi wa akhaundu u do tavhanya nga hune zwa konadzea, musi akhaundu dzawe dza rwaha wa muvhalelano ufho na ufho dzo no valwa, a swikisa kha Vhulangagwama mali ifho na ifho i songo shumaho, uri i dovhe i diphositiwe kha Akhaundu ya Vhulangagwama, ye a wana khirediti hu tshi tevhedzwa khethekanyo thukhu dza (2) na (8), nahone Vhulangagwama vhu do khiredita iyo akhaundu kha Tshikwama tsha Mbuelo ye ya vha yo hweswa zwibviswa zwenezwo zwo lavhelelwaho.

(8) Arali zwa vhone ho fhira 31 Thafamuhwe kha rwaha ufho na ufho wa muvhalelano uri zwibviswa zwa muofisi wa akhaundu zwa tshumelo ya rwaha wonoyo wa muvhalelano zwi nga fhira mali ya khirediti hu tshi tevhedzwa khethekanyo thukhu (2), nga u tavhanya nga hune zwa konadzea, u do humbela khirediti u shuma zwo pfukaho zwe zwa lavhelelwa zwo raloho, tenda zwikwama zwo fanelaho zwa rwaha wonoyo wa muvhalelano zwi tshi kha di vha hone kha voutu yeneyo, nahone Vhulangagwama vhu nga di nea khirediti i todeaho la ita uri mali iyo i fhiriselwe kha rwaha wa muvhalelano u tevhelaho, nga ndila ye ya randelwa kha khethekanyo thukhu (1) na (2).

(9) Muofisi wa akhaundu u do fhungudza mali ya khumbelo dzawe kha Vhulangagwama a tshi itela khirediti ya mali ine nga muhumbulo wawe a vhone i tshi todea u shuma ndifho dzawe dza rwedzi wonoyo, nahone Vhulangagwama vhu do nea khirediti u swika kha mali yo raloho nahone u swika kha mali yo raloho fhedzi, hu tshi tevhedzwa mbekanyelo ya khethekanyo 8(1).

(10) Vhulangagwama vhu do fhungudza mali ya khumbelo dzaho kha Vhulangagwama ha Lushaka ya khirediti malugana na mali i no khou khokhwa khay hu tshi tevhedzwa khethekanyo 115(2)(c) ya Mulayotewa sa mulandu wa Akhaundu ya Mbuelo ya Lushaka, ya iswa kha mali i todeaho ya u lifha zwibviswa zwayo zwa zwino, nahone Vhulangagwama ha Lushakvhu do nea khirediti ya mali you raloho.

(11) Nangwe hu na tshifhio na tshifhio tshi hanedzanaho na izwo zwi re kha khethekanyo iyi, Vhulangagwama, ho humbelwa nga Muñwaleli wa Vhusimamilayo ha Vundu, vhu nga di lambedza onoyo Muñwaleli nga mali dzo kovhelwaho tshumelo dza Vhusimamilayo ha Vundu, kana dzine nga maanda a mbekanyelo dza khethekanyo 7, dza nga shumiselwa zwenezwo, kana dza pfi dzi kovhelwe zwenezwo nga mulayo, nahone Vhulangagwama vhu do nea onoyo Muñwaleli khirediti hu tshi itelwa ndivho yeneyo.

(12) Vhulangagwama vhu nga shumisa mali ya Akhaundu ya Muholeli Muhulwane tshifhinganyana ine nga muhumbulo waho ha vhona i tshi nga wanala ya zwenezwo—

- (a) u nea muofisi wa akhaundu mali kha maimbele o raloho nga hune ha nga elekanya;
- (b) u pfukisela mali kha Akhaundu ya Gwama ndivho i ya u lambedza thahalelo yo lavhelelwaho kha akhaundu yeneyo, nahone mali yeneyo yo pfukiswaho i do pfi ndi mali yo pambiwaho hu tshi tevhedzwa mbekanyelo ya khethekanyo 19; na
- (c) ya mbulungo ya tshifhinganyana kha maimbele eneo ane a nga elekanywa.

Maanda a Vhulangagwama a u shumisa mali ya Akhaundu ya Gwama hu tshi itelwa dzinwe ndivho

10. (1) Vhulangagwama vhu nga shumisa mali ine ya vha hone kha Akhaundu ya Gwama—

- (a) nga u vhulunga tshifhinganyana kha Riphabuliki kha maimbele ane a nga elekanywa;
- (b) nga u lifha mbilo dzi re mulayoni zwi tshi bva kha khwaṭhisedzo, zwo tshinywaho kana tsireledzo yo diswaho nga kana i no khou khokhana kha Muvhuso wa Vundu; na
- (c) nga u lifha mali ye ya si lavhelelwe kana ya sokou lixwa zwi si zwone ya iswa kha Akhaundu ya Gwama.

(2) Mali ye ya shuma nga fhasi ha khethekanyo thukhu (1) i ya ndivho dzi si dza misi, i do dzhwa sa yo kovhelwaho ndivho dzo raloho.

(3) Murado ane a vha na vhudifhinduleli sa musi zwo buliwa kha khethekanyo 22(7), u do tavhanya nga hune zwa konadzea, u adza Dafulani la Vhusimamilayo ha Vundu, Vhutanzi vhu no sumbedza kushumisele kwa mali hu tshi tevhedzwa khethekanyo thukhu (1)(b).

Thendelo ya u vula Akhaundu dza banngani

11. (1) Akhaundu malugana na Mbuelo ya Vundu i nga vulwa fhedzi hu na thendelo yo tou ñwalwaho ya Vhulangagwama banngani nahone heneffho hu si na akhaundu yo vulwaho, bannga yeneyo a i nga tendi akhaundu i tshi fhira ndinganyo hu tshi tevhedzwa khethekanyo 157(2) ya Mulayotewa.

(2) Vhulangagwama ñwaha muñwe na muñwe vhu do sedzulusa mukovhe wa akhaundu dza banngani kha bannga malugana na Akhaundu ya Gwama na Akhaundu ya Muholeli Muhulwane hu tshi itwa nyambedzano na Bannga ya Mbulungo ya Afrika Tshipembe.

U thoma Akhaundu dza vhushavhi na dzi no nga dzenedzo

12. (1) Vhulangagwama vhu nga tendela muofisi wa akhaundu u thoma akhaundu dza vhushavhi na dzi no nga dzenedzo malugana na tshumelo na thundu dzine dza netshedzwa nga muhasho dzi tshi da kha wone une, dzi tshi ya kha muhwe muhasho kana dzi tshi ya kha tshiimiswa tshifhio na tshifhio.

(2) Zwibviswa malugana na tshumelo na thundu zwo bulwaho kha khethekanyo thukhu (1), sa zwe zwa elekanywa nga Vhulangagwama, zwi do lambedzwa nga mali i re kha dziakhaundu—

(a) dze dza kovhiwa nga Vhusimamilayo ha Vundu;

(b) dze, nangwe tshifhio na tshifhio kha zwi fhambanaho na izwo kha Mulayo uyu kana mulayo ufhio na ufhio u re ngomu, zwa vha zwo tangeranedzwa sa ndambedzo ya tshumelo na thundu dzo bulwaho kha khethekanyo thukhu (1);

(c) dze dza wanala nga thengiso ya zwidiswa zwo dalesaho na zwi sa tsha shumaho dzi elanaho na zwidiswa zwa tshumelo na thundu zwine zwa khou ambiwa;

(d) dze dza wanala nga pfano na Vhulangagwama dzi tshi bva kha tshifhio na tshifhio.

(3) Tshikwama tsha Mbuelo tshi do khireditiwa nga zwo bindulwaho zwifhio na zwifhio mafheloni a hwaha wa mbalelano nahone tshinyalelo ifhio na ifhio i do lixwa nga mali yo kovhiwaho.

Sisiteme ya vhufarabugu na vhuakhaundu

13. Vhulangagwama musi ho no vhudzisana na Oditha Dzhenerala, vhu do nea tsumbandila, nga ndila ine ha vhona zwi tshi todea, kha vhaofisi vha vhuakhaundu malugana na dzisisiteme dza vhufarabugu na vhuakhaundu dzine dza fanela u tevhelwa ngavho nahone vhu nga randela sisiteme dzihwe dza vhufarabugu na vhuakhaundu dzine dza fanela u tevhelwa nga vhaofisi vha vhuakhaundu.

Vhuakhaundu ha Akhaundu ya Gwama, na ndugiselo ya zwitatemende

14. (1) Vhulangagwama vhu do vha na vhudifhinduleli kha Akhaundu ya Gwama nahone vhu do vhulunga akhaundu dzo raloho na dzirekhodo dzine dza todea uri vhu kone u langa Tshikwama tsha Mbuelo.

(2) Vhulangagwama la Vundu nga u tsvhanya hwedzi muhwe na muhwe u tshi tou fhela li do ita uri zwitatemende zwi anadziwe kha Gazethe ya Vundu ha sumbedzwa dzirasithi dza zwi dzhenaho na zwi bviswaho kha Akhaundu ya Gwama tshifhingani tsha duvha la u thoma la hwaha wonoyo wa muvhalelano u swika mafheloni a hwedzi khathihi na zwo salaho kha Akhaundu ya Gwama mathomoni na magumoni a tshifhinga tsho raloho.

(3) Nga u tsvhanya nga hune zwa konadzea musi dziakhaundu dza hwaha wa muvhalelano ufhio na ufhio dzo no valwa, hone naho zwo ralo hu sa athu fhela mihwedzi mitanu tshee hwaha wa muvhalelano wa vala, Vhulangagwama vhu do dzudzanya zwitatemende, sa zwe zwa randelwa nga Vhulangagwama ha Lushaka, zwa—

- (a) Akhaundu ya Gwama;
- (b) Tshikwama tsha Mbuelo;
- (c) Akhaundu ya Muholeli Muhulwane;
- (d) mulandu we Vundu na vhuhulu ha mulandu wo vhangwa na u lixwa tshifhinganani tsha h̄waha wa muvhalelano;
- (e) nyingo na mikovhe zwo waniwa kha akhaundu dza Tshikwama tsha Mbuelo ya Vundu na nyingo ye la lifha mulandu wa Vundu;
- (f) mali inh̄we yoth̄e ine ya lingwa nga Vhulangagwama.

(4) Gwama la vun̄du, tshifhinganani tsho bulwaho kha khethekanyo thukhu (3), li d̄o dzudzanya na zwītatamennde zwa u tikedza Tshikwama tsha Mbuelo zwa h̄waha wa mbalelano une wa khou ambiwa, zwa dzirisiti nga fhasi ha thoho dzo fhambanaho dze dza sumbedzwa kha migaganyo ya Mbuelo na dza zwipfukiswa zwi bvaho kha Akhaundu ya Gwama nga mulandu wa dzivoutu dzo sumbwaho kha Mulayo wa mukovhe ufho na ufho wa h̄waha wonoyo.

(5) Vhulangagwama vhu d̄o pfukisa zwītatamennde zwo bulwaho kha khethekanyo thukhu dza (3) na (4) zwa iswa kha Oditha Dzhenerala uri zwi t̄oliwe nga u t̄avhanya zwi tshi kha d̄i bva u dzudzanywa.

Akhaundu dza Mukovhe

15. (1) Muofisi wa zwa akhaundu, nga u t̄avhanya nga hune zwa konadzea, hone hu sa athu fhela mīnwedzi mīna u bva tshee h̄waha wa muvhalelano wa vala, u d̄o dzudzanya akhaundu ya mukovhe a i pfukisela kha Oditha Dzhenerala uri i t̄oliwe malugana na h̄waha wonoyo na malugana na voutu inh̄we na inh̄we ine ya langwa nga ene nahone nga tshifhinga tshenetsho a remela khophi yayo kha Vhulangagwama: Tenda Oditha Dzhenerala, nga muhumbulo wawe arali a tshi vhona zwi zwone, a tshi nga d̄i nea thendelo ya u lapfisa tshifhinga tsha u swikisa iyo akhaundu ine ya t̄odea, ya tshifhinga tsho raloho nga hune ene a vhona zwi tshi t̄odea u i fhedzisa.

(2) Kha akhandu ya mukovhe muofisi wa zwa akhaundu kha khethekanyo khulwane inh̄we na inh̄we ya voutu u d̄o sumbedza—

- (a) siani la rasiti dza zwenezwo, mali ine ya vhonala ya h̄waha wa muvhalelano une wa khou ambiwa—
 - (i) kha migaganyo ya zwibviswa na mugaganyo wa ndinga-nyedzo; na
 - (ii) thendelo dze dza newa hu tshi tevhezwa khethekanyo 7, dze dza vha dzi songo kovhiwa hu tshi tevhezwa khethekanyo thukhu (2) ya khethekenyo yeneyo: Tenda zwi tshi d̄o vha zwo fhambanywa zwavhūd̄i vhukati ha dzirasiti dzo bulwaho kha pharagirafu (i) na iyi pharagirafu;
- (b) siani la zwibviswa la zwenezwo mali vhukuma yo shumaho tshifhinganani tshenetsho: Tenda mali ifho na ifho yo bviswaho nga muofisi wa zwa akhaundu ya u lifha zwibviswa zwe zwa si lavhelelwe i sa tikedzwi nga dzivoutu dza zwibviswa dzi t̄anganedzeaho, dza vha dzi songo katelwa siani la zwibviswa.

(3) Akhaundu ya mukovhe inwe na inwe yo iswaho kha Oditha Dzhenerala i do fhelekedzwa nga—

- (a) thalutshedzo ya zwiitisi zwa phambano, i fhiraho phesente mbili, vhukati ha zwibviswa na mali yo lavhelelwaho kha khethekanyo thukhu (2)(a);
- (b) tsumbo ya mali ifhio na ifhio yo salaho ine ya fanela u humiswa kana ya ifhio na ifhio ya thahalelo;
- (c) tshitatamennde tshi sumbaho uri mali yo salaho ya hwaha wa muvhalelano wo fhiraho, arali i hone, yo humiswa;
- (d) tsumbo ya tshikati tsha tshifhio tsho salaho kha akhaundu yo fhahewaho ine ya nga di iswa kha voutu.

(4) Akhaundu dza mukovhe na zwidombbedzwa zwo newaho hu tshi tevhedzwa khethekanyo iyi i do sainwa nga muofisi wa zwa akhaundu.

(5) (a) misi yotha arali muthu o hweswa vhudifhinduleli ha zwa akhaundu ha mali ya Muvhuso na thundu ya Muvhuso, hu tshi tevhedzwa khethekanyo 17(1), malugana na mukovhe wonoyo ufhio na ufhio wa voutu, zwidombbedzwa zwi elanaho na mukovhe hoyo zwi do shumelwa thungo kha akhaundu ya mukovhe malugana na voutu ine ya khou ambiwa.

(b) muthu o bulwaho kha pharagirafu (a) u do nea muofisi wa zwa akhaundu ane a kwamea, zwidombbedzwa zwo edanaho uri a kone u shuma a tshi tevhedza mbekanyelo ya khethekanyo thukhu (1), (2), na (3).

Muofisi wa zwa akhaundu

16. (1) (a) Hu tshi tevhedzwa mbekanyelo dza pharagirafu (b) Mulangi Muhulwane o tholiwaho hu tshi tevhedzwa Mulayo wa Tshumelo ya Vhathu, 1994 u do vha ene muofisi wa akhaundu.

(b) Premia a nga ta muofisi sa muofisi wa inwe voutu.

(2) Muofisi wa zwa akhaundu u do shuma nga maanda e a hweswa, a shuma mishumo ye a laedzwa nga mulayo, nga ndaulo ya mali, nga ndayo dza Vhulangagwama kana nga Vhulangagwama.

(3) Arali a songo tou sumbwa inwe bu do nga Vhulangagwama muofisi wa zwa akhaundu wa tshigwada tsha zwa milayo tshi si na muofisi wa zwa akhaundu hu tshi tevhedzwa mbekanyelo ya mulayo ufhio na ufhio, ndi muofisi muhulwane wa u shuma wa tshigwada tsha milayo tshenetsho.

(4) Musi muofisi wa zwa akhaundu a siho maanda awe a do shuma nahone mishumo yawe i do shurwa nga muofisi ane a shuma vhuimoni hawe.

Vhudifhinduleli ha u londola mali dza Muvhuso na thundu ya Muvhuso nga muthu ane a si vhe Muofisi wa zwa Akhaundu

17. (1) Vhulangagwama, nangwe hu na mbekanyelo dza khethekanyo 16, vhu nga di hwesa muthu ane a si vhe muofisi wa zwa akhaundu, vhudifhinduleli ha vhuakhaundu ha—

- (a) mali ya Muvhuso ye ya tangananedzwa na u lambedzwa nga uyo muthu;

- (b) thundu ya Muvhuso ye ya waniwa, ya tangedzwa, ya vhewa kana ya bviswa nga uyo muthu, malugana na akhaundu ya zwa vhushavhi na zwi elanaho na zwenezwo, zwo thomiwaho hu tshi tevhedzwa khethekanyo 12(1), kana mukovhe muñwe na voutu, akhaundu dzi vhetshelwa thungo.
- (2) Musi muthu o hweswa vhudifhinduleli ha vhuakhaundu ha mali dza Muvhuso na thundu ya Muvhuso, hu tshi tevhedzwa khethekanyo thukhu (1), malugana na akhaundu ya zwa vhushavhi na zwinwe zwi no elana na zwenezwo kana muñwe mukovhe ufho na ufho wa voutu, Vhulangagwama vhu nga di hwesa muthu o raloho maanda na mishumo zwo bulwaho kha khethekanyo 16(2) zwine muofisi wa vhuakhaundu a nga shuma ngazwo kana a lavhelelwa u zwi shuma malugana na zwo raloho zwa akhaundu ya zwa vhushavhi na zwi elanaho nazwo kana mukovhe wa voutu.
- (3) Maanda na mishumo zwo hweswaho muthu hu tshi tevhedzwa khethekanyo thukhu (2), zwi do shumiswa kana zwa shunwa nga muthu o raloho malugana na akhaundu ya zwa vhushavhi yo bulwaho na zwi no nga zwenezwo kana mukovhe wa voutu ho bviswa muofisi wa vhuakhaundu ane a vha na vhudifhinduleli na voutu ine iyo akhaundu ya zwa vhushavhi kana zwi elanaho nazwo kana mukovhe, zwa vhumba tshipida.
- (4) Musi muthu o bulwaho kha khethekanyo thukhu (1) a siho, maanda a do shuma na mishumo yawe i do shunwa nga muthu a no khou shuma vhuimoni hawe.

NDIMA YA 2

NDAULO GUTE YA GWAMA

Mañwe maanda a vhulangagwama ha Vundu

18. (1) Hu tshi tevhedzwa mbekanyelo dza Mulayo uyu na miñwevho milayo, vhulangagwama ha Vundu vhu do vha na maanda a—

- (a) u ñea vhulivhisi kha na u u ita ndaulo kha mali dza muvhuso, na iñwe thundu ya Muvhuso u bveledza vhulangi ha sisiteme yavhudi ya zwenezwo na u khwinisa vhukoni na ekonomi kha u shumiswa ha zwenezwo.
- (b) laedza zwauri zwibviswa zwenezwo zwa mbalelano ya mbuelo ya Vundu sa zwine ha nga itiswa zwone a zwi nga aluswi hu sa athu wanwa thendelo yaho.
- (c) u tendela mali kana dziñwe mbadelo vho kana phimo, zwikalo kana mithelo ya mali ya dziñwe mbadelo dzi so ngo tewaho kana dzi konadzeaho u nga tewa nga kana hu tshi tevhedzwa mulayo ufho na ufho u elanaho na mbuelo i aluswaho kha Tshikwama tsha Mbuelo ya Vundu kana zwibviswa zwi bvaho kha tshikwama tsha mbuelo ya Vundu na u laedza uri mali yeneyo kana mbadelo kana phimo, zwikalo kana mithelo yeneyo a i nga do shumiswa hu sa athu wanala thendelo ya vhulangagwama ha Vundu.
- (d) U ñea thendelo ya u ñea tshumelo yo vhoñholowaho.

- (e) U nea thendelo ya u thuthwa ha tshinyalelo ya mali ya Muvhuso na thundu inwevho ya Muvhuso.
- (f) U nea thendelo ya tshandukiso ya kana u thuthwa ha dzikonti-raka dzine dza nga vhaisa Muvhuso.
- (g) U toda vhaofisiri vha vhuṭolamuvhalelano vha tshi swikisa thodea dzenedzo malugana na mafhungo a badzhete khaho na hone malugana na thodea dzenedzo—
 - (i) U fhenda u eletsedza Murado u re na vhuḍifhinduleli khazwo; kana
 - (ii) U ita kana u ita uri mafhungo a zwenezwo a wanwe nga vhulangagwama musi ho humbela.
- (h) u toda muofisiri ufho na ufho wa vhuṭolamuvhalelano uri a swikise khaho mafhungo, mbiko, maṅwalo, thalutshedzo na thikhedzo malugana na mafhungo afho na afho a kwamaho mali dza muvhuso kana thundu inwe-vho ya Muvhuso ya Vundu;
- (i) U nea thendelo ya nzudzanyo ya mbilo nga kana nga ndivhanyo na Vundu kana lwa u tinyisa mbilo nga Vundu.
- (j) u laedza kana u lilisa vhu si vhuthetshesheleso nga muofisiri wa vhuṭolamuvhalelano a re na ndaela kana khumbelo yo tou ṅwalwaho, pfano kana maimemele a vhulangagwama ha Vundu malugana na mafhungo afho na afho.
- (k) u sengulusa u randela na u tola sisteme dza ndango na ndaulo ya mali ya Muvhuso na inwe-vho thundu ya Muvhuso na inwe-vho thundu ya Muvhuso ya Vundu na u randela nyengedzo ya sisteme nga nda ha idzo dzo bulwaho kha khethekanyo 13.
- (l) u ta uri zwibviswa zwa tshumelo zwi do lixwa kha voutu ifho ya khethekanyo thukhu yeneyo.
- (m) u ta pfano na maimemele ane mbuelo yo swikaho u lixwa ya nga lixwa ngao kha Vundu na uri ndi kha mali ifho ya muvhuso hune ndifho ya do bva hone.
- (n) u tendela mbofholowo kha mali dzi teaho u lifhelwa Vundu sa tsumbo ya nyito ya tshilidzi.
- (o) u tendela u lifhiwa ha mbuelo ya Vundu sa tsumbo ya nyito ya tshilidzi.
- (p) u tendela ndifho dzi bvaho kha mali ya Muvhuso sa tsumbo ya nyito ya tshilidzi.
- (q) u tendela mpho dza mali ya muvhuso ya Vundu na inwe thundu i sudzuluseaho ya Muvhuso ya Vundu kana thanganedzo ya mpho dzi yaho kha Vundu.
- (r) u tendela u dzhiwa ha vhune, u hirisa kana u latwa ha thundu i sudzuluseaho ya Muvhuso ya Vundu.
- (s) u nea vhulivhisi kha u farwa ha na u ita ndaulo kha mali pfa-relwa dzothe na thundu pfa-relwa dzo vhwaho lwa tshifhinganana kana dzo siwaho kha ndondolo ya muofisiri wa vhuṭolambalelano kana muṅwe muthu-vho a re tshumeloni ya Vundu.

- (t) u nea vhulivhisi kha u shumiswa ha zwilinganyi zwa vhuḁifari na zwilinganyi zwo randelwaho nga vhuṭolambalelano malugana na khwiniso dza thundu i sa sudzuluswi yo lixwaho nga u ḁala kana nga zwipiḁa nga zwi bvaho kha Tshikwama tsha mbuelo ya Vundu.
- (u) u tendela ṭhanganedzo ya thikhedzo ya Vundu: Tenda ha vha na uri musī mali i kwameaho kha kheisi ifhio na ifhio yo humbulwaho nga yo kha phara (n), (o), (p) kana (q) nga nḁa fhedzi ha kheisi ifhio na ifhio yeneyo malugana na thundu ya muvhuso i sudzuluseaho ya fhira R100 000 kana ya vha na vhushaka na muthelo, muḁwe muthelo wo hweswaho nga mulayo, u fhungudzwa honoho, u lixwa, ndifho kana mpho a zwi nga ḁo itwa nga nḁa ha musī zwi tshi itelwa ndivho dza mukovho wa Vhusimamlayo ha Vundu; Tenda hu uri arali nga muhumbulo wa Gwama la Vundu, nyimele dziḁe dza elana na ndifho dza wonoyo muthelo dziḁwe ndifho dzi khwathisedzaho ndifho sa ndifho ya tshilidzi ya mali yoṭhe kana tshipiḁa tshayo, Gwama li nga tendela u lifhiwa ha yeneyo mali, i sa fhiri R1 000 000 sa tshadzhi kha voutu i kwameaho.
- (2) Vhulangagwama nga maanḁa aho vhu nga khwathisedza u thuthwa tshoṭhe ha tshipiḁa tsha mulandu kana mulandu woṭhe une wa khou kolodiwa Vundu nga muthu arali vhu tshi ṭanganedza uri:
- (a) tshikolodo itsho tshi nga si kone u lifhea;
- (b) u lifhiwa ha tshikolodo zwi ḁo vha zwi si na mbuelo;
- (c) U lifha tshikolodo arali hu tshi nga ḁisa u kondelwa kha mukolodi kana vhane vha tshila nga khae vha tshi nga kondelwa u tshila;
- (d) thundu ya mukolodi kana ifa la mukolodi arali o lovha, kana iyo thundu i fulufhedziso kha muvhuso) vhane a vha unḁa vha tshi nga kundelwa u tshila nga nḁa hazwo, kana zwi na ndeme ṭhukhu, kana mukolodi kana ifa lawe, sa zwenezwo a tshi khou balelwa u lifha iyo ndifho kana tshipiḁa tshayo, nga nḁa ha u wanalea ha iyo thundu, na u wanala ha iyo thundu zwi tshi ḁo ḁisa u kondisa, kana
- (e) zwi tshi ḁo vha zwivhuya kha Vundu u thoma nzudzanyo ya mbilo kana u litsha mbilo iyo.
- (3) Tshifhinga tshiḁwe na tshiḁwe arali ndifho kana ndifho dzo livhaho kha mbuelo yo gonyiswaho kana tshiḁyalelo i bvaho kha tshikwama tsha mbuelo, uho u anganyela hu ḁo, nga nḁa ha musī mbekanyelo dza uyo mulayo, dzi sa ḁo itwa phanḁa ha khwathisedzo ya vhulangagwama i sa athu wanala, nga nḁa ha musī mbekanyelo dza iyi khethekanyo ṭhukhu dzi sa ḁo itwa kha muthelo ufhio na ufhio kana sa zwe zwa anganyiswa zwone nga Premia.

(4) Hune voutshara kana vhuñwe vhuñanzi ha rasithi kana ndifho i nga ndila yo khakheaho kana you xedzwa kana u tshinyadzwa na:

- (a) Vhulangagwama malugana na mbalelano dza vhaofisiri vha muvhalelano na vhañwe kha tshumelo ya vundu:
- (b) Hu tshi tevhelwa mbekanyelo dza mulayo muñwe na muñwe, vhulaedzwa ha khorotshitumbe ya khoro ya mulayo, malugana na idzo mbalelano dza khoro ya mulayo, i tshi nga fushea nga thalutshedzo ya uyo muthu a re na vhudifhinduleli, vhulanga-gwama, kana vhulaedzwa ha khorotshitumbe ya khoro ya mulayo, sa zwine zwa nga vha zwone, a nga ita oda a i rumela na voutshara kana vhuñwe Vhuñanzi kana a nga ita inwe oda arali zwo tea.

U newa maanda ha Vhulangagwama

19. (1) Vhulangagwama vhu nga kona nga nthani ha zwiitisi u nea maanda muofisiri wa mbalelano e a newa ene nga khethekanyo 18(1) na (2) kana 21(5).

(2) He Vhulangagwama ha nea maanda fhasi ha khethekanyo thukhu (1), zwi nga konadzea uri muofisi wa mbalelano a nee ayo maanda muthu muñwe o faraho poswo yo itwaho nga Vhulangagwama.

(3) Muofisiri wa mbalelano ha nga do dzhielwa maanda e a a nea kana fhasi ha vhulangi hawe a nga khwañisedza kana a thutha muhumbulo wo dzhiwaho hu tshi khou shumiswa ayo maanda.

(4) Vhulangagwama a vhu nga dzhielwi maanda e a vhu nea kana fhasi ha vhulangi haho vhu nga khwañisedza kana u thutha muhumbulo wo dzhiwaho hu tshi khou shumiswa ayo maanda, hu tshi katelwa na muhumbulo wa muofisiri wa mbalelano hune muhumbulo wo bulwaho kha khethekanyothukhu (3) u nga khwañisedzwo kana u thuthwa.

(5) He maanda afhio na afhio a vha o newa muthu o faraho poswo, ayo maanda a nga shumiswa nga onoyo muthu tshifhingani tshenetsho a tshi khou shuma mushumo wo livhanywaho na iyo poswo.

Tshinyalelo i siho mulayoni

20. (1) Tshinyalelo iyo i do vha i siho mulayoni arali:

- (a) Ndifho ya itwa nga muofisiri wa mbalelano hu si na mbekanyelo dzo itwaho nga maanda a mbekanyelo dza mulayo:
- (b) Ndifho kana tshipida tsha ndifho ya tshumelo yo itwaho uri i vhe mulayoni nga mvelele dza mulayo i nga bveledza:
 - (i) ndifho yotho yo anganyelwaho voutu yeneyo, i nga eng-edzwa hu tshi tevhelwa khethekanyo 6(2).
 - (ii) nyiledzo yo itwaho nga mbekanyelo dza khethekanyo 5(3) kha tshinyalelo yo itwaho kha mbalelano i nga dzhiwa sa tshikolodo tsha u fhedza.
 - (iii) Mali yo sumbedzwaho kha tshipida "2" tsha mutevhe wa mukovhe une malugana na tshumelo yo shuñwaho na maanda o bulwaho kha khethekanyo 7(1)(b)(ii) a yo ngo wanala kana nyengedzo yo bulwaho kha khethe-kenyo 6(2) a yo ngo itwa.

- (c) Muofisiri wa mbalelano u balelwa u bvisela Oditha Dzhenerala malugana na ndifho yo mukovhe kha Vhulangagwama zwi tshi todiwa hu tshi tevhelwa mbekanyelo dza uyu Mulayo kana Mulayo ufho na ufho.
- (2) Tshinyalelo i siho mulayoni yo sumbedzwaho kha khethekanyo thukhu (1) a i nga vhumbi mbilo kha tshikwama tsha mbuelo u swika:
- (a) malugana na phara (a), (b) kana (c), ya iyo khethekanyo thukhu, tshinyalelo yeneyo yo no vha mulayoni nga mulayo wa Vhusimamilayo ha Vundu; kana
- (b) Malugana na phara (d) ya iyo khethekanyo thukhu, tshinyalelo yeneyo yo itwa uri i vhe na ndeme nga mulayo wa Vhusimamilayo ha Vundu;
- (3) Tshinyalelo i siho mulayoni kana tshipida tshifho na tshifho tshe tsha anganyelwa nga Vhusimamilayo ha Vundu ye ya si itwe lwa mulayo kana u vha na ndeme sa zwe zwa bulwa kha khethekanyo thukhu (2), zwi do, arali muofisiri wa mbalelano a sa koni kana a songo diimisela u bvisa ndifho i tshi bva kha mufafa kana muthu a re na Vhudifhinduleli kha u ita uri tshinyalelo i vhe mulayoni, uri i waniwe nga vhulangagwama i tshi bva kha muofisiri wa mbalelano.
- (4) Mbekanyelo dza phara (a), (c) na (d) dza khethekanyo thukhu (1) dzi do shuma *mutatis mutandis* malugana na tshigwada tsha mulayo nga nda ha musu zwo vhekanyelwa nga mulayo nga inwe ndila, huno hu tshi itelwa phara (c) mubulo wa Vhulaedzwa ha Vhulangagwama u do dzhiwa sa mubulo-vho kha vhulaedzwa ha Murado wa Khorotshitumbe kana vhulaedzwa ha u shuma kana vhulaedzwa vhuwe-vho vuhfho na vuhfho ho fanelaho nga afho hune zwa nga vha ngaho.
- (5) Zwibviswa zwi songo tendelwaho zwo bulwaho kha khethekanyo thukhu (4) kana tshipida tshifho na tshifho tshayo tsho tiwaho nga Vhusimamilayo ha Vundu a tshi nga do vhumba mulandu malugana na tshikwama kana mbalelano i kwameaho u swika zwi tshi tendelwa, zwa khwathiswa kana zwa itwa uri zwi wanale hu tshi tevhedzwa kuitele kwa misi kwa u anganya zwa kushumisele kwa gwama ku shumaho kha tshikwama kana mbalelano i kwameaho: Tenda ha vha na uri zwibviswa zwifho na zwifho zwi songo tendelwaho kana u khwathiswa a zwi nga do lixwa nga muofisi wa mbalelano arali a sa koni kana a sa funi u vhila mali yeneyo kha mutondiwa kana muthu a re na Vhudifhinduleli kha zwibviswa zwi songo tendelwaho.

U lifhululwa ha tshinyalelo na tshinyalo

21. (1) Arali muthu a re kana we a vha e mushumi wa Vundu a vhangela Vundu tshinyalelo kana tshinyalo ngauri a—

- (a) balelwa u kuvhanganya mali ya muvhuso kha kukuvhanganyele kune a vha na Vhudifhinduleli khakwo;
- (b) kana o vha na Vhudifhinduleli kha ndifho dzi si na thevhekano dza mali ya muvhuso kana kha u lifhiwa ha mali idzi hu songo tikedzwaho nga votsha (tsheke) ya ngoho.
- (c) kana o vha na Vhudifhinduleli kha zwibviswa zwi si na bindu zwa Muvhuso nga nthani ha u litshedza hawe u ita mishumo yawe.

- (d) kana o vha na vhudifhinduleli ha thahalelo kha kana vhuthekanyo ya kana tshinyadzo ya mali dza Muvhuso, zwitemmbe, manwalo a ndeme mitengo na fomo dzi re na ndeme i re na khonadzeo, tsireledzo, tshomedzo zwitoho kana thundu ya Muvhuso ifhio na ifhio.
- (e) nga nthani ha u litshedza u ita mishumo yawe kana nga maitele afhio na afhio manwe-vho, kana o vha e na vhudifhinduleli ha mbilo i livhanyiswaho na Vundu, muofisiri a re na vhudifhinduleli a kwameaho kana mufaraposwo o tswaho nga vhulangagwama ha Vundu u do wanulula vhuhulu ha tshinyalelo yeneyo kana tshinyadzo yeneyo kana vhuhulu vhu todeaho kha u thivha thundu ya muvhuso ine khayoyha vha na thahalelo kana ye ya tshinyadzwa sa zwe zwa randelwa nga ndaela ya vhulangagwama hu tshi tevhedzwa mbekanyelo dza khethekanyothukhu (5), oda, nga ndivhadzo you tou nwalwaho, muthu onoyo o bulwaho a lifha khae hu sa athu fhela maduvha a mahumi mararu u bva kha deithi ya ndivhadzo yeneyo, mali yo tiwaho nga u ralo.

(2) Arali muthu a re muvhusoni wa Vundu, we hu tshi tevhedzwa khethekanyo thukhu (1) a vhudzwa u lifha mali, a balelwa u lifha mali yeneyo kha tshifhinga tsho pfaniwaho kha ndivhadzo ine ra vha khayoyha, hu tshi tevhedzwa mbekanyelo dza khethekanyothukhu (4), (6) na (7) mali iyo i do tuswa kha muholo wawe wa nwedzi: Tenda ha vha na uri mutuso wonoyo a u nga vhuyi na muwe nwedzi wa fhira nthihitshaina ($\frac{1}{4}$) ya muholo wawe wa nwedzi nga nnda fhedzi ha musu muthu hoyo o tenda nga u tou nwalwa zwauri a nga tuselwa mali nnzhi.

(3) Arali muthu we a vha e mushumoni wa Vundu, huno we hu tshi tevhedzwa khethekanyo thukhu (1) o newa ndaela ya u lifha, a balelwa u bvisa mali yeneyo kha tshifhinga tsho pfaniwaho kha ndivhadzo ine ra vha khayoyha muofisiri a re na vhudifhinduleli a kwameaho, hu tshi tevhedzwa mbekanyelo dza khethekanyo thukhu (4), (6) na (7) u do lifhulisa mali dzenedzo nga muthu a kwameaho nga maitele a mulayo.

(4) Arali muthu we a newa ndaela uri a lifhe mali hu tshi tevhedzwa khethekanyo thukhu (1) a ita netshedzo hu sa athu fhela tshifhinga tsho pfaniwaho kha ndivhadzo i ne ra vha khayoyha uri a lifhe nga zwitolomennde, muofisiri a re na vhudifhinduleli kana mufaraposwo o tholwaho nga vhulangagwama a nga tendela ndifho nga zwitolomennde zwenezwo nga hune a zwi pfesesa ngaho: Tenda ha vha na uri arali u ndifho ya mali iyo hu tshi tevhedzwa netshedzo a hu nga khunyeledzwi hu sa athu fhela minwedzi ya fumi na mivhili i tshi vhalwa u bva kha deithi ine tshitolomende tsha u thoma tsha nga lixwa ngayo, hu do wanwa thendelo ya vhulangagwama ha Vundu ha u lifha honoho ha tshifhinga tshi fhiraho tshifhinga tshe tsha bulwa hune vhulangagwama ha nga ta zwine zwitehwa na maimela ane hu tshi tevhedzwa one mali ya do lixwa.

(5) Arali nga tshiitisi tshifhio na tshifhio tsho tou ita haniho muofisiri a re na vhudifhinduleli kana mufaraposwo o tholwaho nga vhulangagwama ha Vundu a vha a muhumbulo wa uri mali yo tiwaho hu tshi tevhedzwa

khethekanyo thukhu (1) a i nga do lifhululea kana i do lifhululea nga tshipida fhedzi i tshi bva kha muthu a re na vhudifhinduleli khazwo, a nga humbela vhulangagwama ha Vundu u vhofoholola hoyo muthu kha ndifho yothe kana tshipida tsha mali yeneyo lune vhulangagwama ha Vundu ha nga tendela muhumbuloni waho uri mali yothe kana tshipida tsha mali yeneyo tshi si lifhiwe.

(6) Muthu ane hu tshi tevhedzwa khethekanyo thukhu (1) a newa ndaela uri a lifhe mali, hu sa athu fhela tshifhinga tsha maduvha a mahumi mararu u bva kha deithi ya ndaela yeneyo, nga u tou nwala a nga humbela muofisiri a re na vhudifhinduleli a kwameaho, a tshi bula zwiitisi zwa khumbelo yawe, na uri khumbelo sa zwe zwa humbuliswa zwone kha khethekanyo thukhu (5) i fanela u livhiswa kha vhulangagwama ha vundu na uri arali muofisiri wa vhudifhinduleli a kwameaho a hana, khumbelo yeneyo i livhiswa kha vhulangagwama ha Vundu kana arali vhulangagwama ha Vundu ho hana u nea thendelo sa zwe zwa humbulwa ngaho, kha khethekanyo thukhu yo bulwaho nga yothe kana nga tshipida tsha mali ine ra khou amba ngayo i sa lifhululwi sa zwe zwa humbuliwa ngaho, muthu onoyo hu sa athu fhela maduvha a mahumi mararu u bva o divhadzwa nga luhwalo nga ha khanedzo ifhio na ifhio i no nga yeneyo a nga humbela khatululo kha khanedzo yeneyo kha murafo u re na vhudifhinduleli huno Murafo u re na vhudifhinduleli, murahu ha tsenguluso ya uya phanda sa zwine a vhona zwo fanelisa zwone a nga lafa kule khumbelo ya khatulo kana a nea ndaela uri muhweleli a vhofohololwe tshothe kana lwa tshipida nga afho hune a vhona zwo teisa zwone zwi tshi bva kha ndifho ya mali yeneyo.

(7) Muthu ane hu tshi tevhedzwa khethekanyo thukhu (1) a nea ndaela uri a lifhe mali madzuloni a u humbela khatululo kha murafo u re na vhudifhinduleli nga fhasi ha khethekanyo thukhu (6) a nga humbela hu sa athu fhela maduvha a mahumi mararu u bva kha deithi ya ndaela yeneyo kana hu sa athu fhela tshenetsho tshifhinga tsha phanda sa zwine kotho ya nga tendela, kha kotho i re na vhukonivhulaedzwa, ndaela ya u thutha iyo ndaela ya u thoma yo bulwaho kana u fhungudza yeneyo mali, lune kotho hu tshi tevhedzwa khumbelo yeneyo arali i songo kholwiswa nga muofisiri a re na vhudifhinduleli a kwameaho nga u fanelwa ha mulandu zwauri ndaela yo itwa nge zwa vhoneala you tea kana uri mali ndi yone a yo ngo khahea, i nga ita ndaela ine ya vhetshela thungo yeneyo ndaela ya u thoma yo bulwaho kana u fhungudza iyo mali sa zwine zwa vha zwone.

(8) Arali mali ya fhungudzwa hu tshi tevhedzwa khethekanyothukhu (5), (6) na (7), mali you fhungudzwo i do lifhiwa mutati mutandis hu tshi tevhedzwa mbekanyelo dza khethekanyo thukhu (1), (2), (3) na (4).

Fulufhedziso malugana na nyadzimo

22. (1) Arali Murafo a re na vhudifhinduleli kha Khorotshitumbe kana e si murafo wa Khorothitumbe a re na vhudifhindulela ha zwa gwama na Murafo-vho wa Khorothitumbe wa zwa gwama vho a fushea uri hu tshi khou tevhelwa mbekanyelo dza khethekanyo thukhu (3) onoyo Murafo a re na vhudifhinduleli o bulwaho a tshi tikedzwa nga murafo wa Khorotshitumbe ya zwa gwama arali e si ene onoyo Murafo u re na vhudifhinduleli na nga murahu ha musi mbekanyelo dza khethekanyo

157(3) ya Mulayotewa wo tevhelwa, u bva tshifhinga nga tshifhinga hu tshi tevhedzwa thodea dza khethekanyo thuku (3) na maimela ane nga thikhedzo ya murado wa Khorotshitumbe a re na vhudifhinduleli ha zwa gwama arali e si murado onoyo u re na vhudifhinduleli a nga ta hu tshi katelwa na u tinyisa zwiataluli zwa mulayo zwine a vhona zwo fanela, vha nga nea fulufhedziso malugana na tshumelo dzi bvaho kha nyadzimo yo itwaho kana i no khou do itwa nga Muvhuso kana nga vhalangi kana tshigwada tsho vhumbiwaho nga kana nga fhasi ha mulayo ufho na uifho tshine afha u bva zwiho tsha do divhiwa sa tshigwada tsha mbofho tshi re ngomu hu Vundu.

(2) Fulufhedziso line la nekedzwa hu tshi tevhedzwa khethekanyo thukhu (1) li nga sedzwa fhedzi nga Murado u re na vhudifhinduleli lune arali e si murado wa Khorotshitumbe u re na vhudifhinduleli ha zwa gawama arali khumbelo ya fulufhedziso lenelo lo fulufhedziswa nga vhulaedzwa ha khorotshitumbe ya vhulaedzwa kana tshigwada tsha mbofho tshine fulufhedziso la do nekedzwa khatsho sa zwine zwa vha zwone.

(3) Fulufhedziso lo nekedzwaho hu tshi tevhedzwa mbekanyelo dza khethekanyo thukhu (1) li fanela u elana na nyimele ya uri—

(a) Zwiwanwa zwa nyadzimo yo fulufledziswa—

- (i) Zwi do shumiswa kha dzangalelo la vhathu nga ngomu ha muvhundu u re nga fhasi ha ndaulo yavho nga muvhuso wapo une fulufhedziso la do nekedzwa malugana na nyadzimo yalo kana nga ngomu ha vhupo ha Vundu kana tshipida tshalo nga tshigwada tsha mbofho;
- (ii) A zwi nga shumi kha u lambedza zwibviswa zwi tshimbilaho zwa tshifhinga tshenetsho;
- (iii) Malugana na fulufhedziso lo nekedzwaho malugana na nyadzimo nga Muvhuso wapo zwi do shumiswa hu tshi tevhedzwa mbekanyelo dza mulayo ufho na ufho wa Vundu u angaredzaho u hadzima nga Muvhuso wapo; na
- (iv) zwi do vhalwa thungo nga muvhuso wapo kana tshigwada tsha vhothe tshi kwameaho nga afho hune zwa nga vha ngaho;

(b) murado a kwameaho hu tshi tevhedzwa mafhungo o nekedzwaho khawo nga vhulaedzwa ha u shuma ha muvhuso wapo kana tshigwada tsha vhothe tshi kwameaho nga hune zwa nga vha ngaho, u do fushea kha fhungo la uri—

- (i) ndifho dzi todeaho dzi nga si wanale nga in ndila arali hu si na nyadzimiso yo themendelwaho;
- (ii) a hu na u timatima hu pfalaho ha uri muvhuso wapo kana tshigwada tsha vhothe tshi kwameaho tshi do kona u tevhedza maimela na ndivho dzihe khadzimo ya do nekedzwa nga fhasi hadzo;

(iii) mbekanyelo dza pfano ya khadzimo yeneyo—

- (aa) u tevhedza ndayo dzo dzulaho dzo tanga-nedzwa dza pfano ya khadzimo;
- (bb) dzi do vha dzo lugaho lwa mulayo na lwa thekheniki;
- (cc) dzi do bula zwavhudi ndivho dza Vundu line la do shuma sa liimelamulandu na maitele ane Vundu la nga tangedza ngao zwibviswa hu tshi tevhedzwa vhulifhamulandu, zwa do lifhiwa;
- (iv) ri tshi vha na nzhele na fhungo la uri vhulifhamulandu ha khadzimo vhu a todea, mutengo wa khadzimo u elana na mitengo ya makete;
- (v) u wanala ha zwibveledzwa zwa khadzimo a hu nga vhaisi ndaulo ya zwa mali muvhosoniwapo, kana tshigwada tsha vhothe tshi kwameaho.

(4) Ndifho nga Vundu ine ya shuma sa nyimelamulandu wa mbilo dzi re mulayoni zwi tshi bva kha fulufhedziso lo itwaho hu tshi tevhedzwa mbekanyelo dza khethekanyo thukhu (1)—

- (a) i do dzhiwe yo kovhelwa dzenedzo ndivho; na
- (b) i do divhadzwa kha Vhusimamilayo ha Vundu nga Murafo a re na vhudifhinduleli nga u tsvhanya nga afho hune zwa nga konea ngaho, hone hu songo fhela miñwedzi mitanu na muthihi murahu ha musi yeneyo ndifho yo itwa, huno ene u do nekedza muvhigo mazha kha vhusimamilayo ho bulwaho uñe wa vha na maitele a elanaho na mbadelo yeneyo.

(5) Murafo wa Khorotshitumbe a re na vhudifhinduleli kha zwa mali zwa Vundu u do ita uri hu anadadze tshitamende kha *Gazethe ya Vundu* nga u tsvhanya nga afho hune zwa nga konadzea ngaho, hone-ha hu songo fhela miñwedzi mitanu na muthihi murahu ha musi ñwaha wa muvhalelano wo guma, malugana na vhuimelamulandu ho nekedzwaho nga Vundu hu tshi tevhedzwa khethekanyo thukhu (1), dzina la muvhosowapo kana tshigwada tsha vhothe tshe vhuimelamulandu ha itwa malugana natsho, vhuhulu ha vhudifhinduleli vhune ha nga bva kha vhuimelamulandu honoho, hune arali ho dzhenelela na mali i sili, nga u ralo mali yeneyo na ñwaha wa muvhalelano ane vhuimelamulandu honoho ha do fhela.

(6) Nangwe hu na zwifhio zwo thambanaho kha hoyu Mulandu kana muñwe-vho mulayo ufho na ufho, vhuimelamulandu nga Vundu malugana na ndivhanele dza zwa mali zwi bvaho kha khadzimo vhu do nekedzwa hu tshi tevhedzwa heyi khethekanyo fhedzi nahone nga fhasi ha mbekanyelo dza khethekanyo 157(3) ya Mulayotewa.

(7) U bulwa ha "Murafo u re na vhudifhinduleli" kha heyi khethekanyo, zwi do dzhiwa sa u bulwa ha Murafo wa Khorotshitumbe une wa laula vhuimo une wa dzhenelela thwi kana nga inwe ndila kha mafhungo a talusaho kushumisele kwa tshedele ya khadzimo ye malugana nayo ha nekedzwa vhuimelamulandu hu tshi tevhedzwa khethekanyo thukhu (1), huno arali hu na u kavhanga uri Murafo u re na vhudifhinduleli ndi ufho, murafo wa Khorotshitumbe u kwameaho u do tiwa nga Murafo wa Khorotshitumbe u re na vhudifhinduleli kha zwa mali.

U shumiswa ha dziñwe mbekanyelo malugana na maanda a Murado u re na vhudifhinduleli na u nea muñwe maanda awe

23. (1) Tshifhinga tshiñwe na tshiñwe musi mulayo u tshi toda uri Murado wa Khorotshitumbe u ite tshiñwe tshithu nga nyambedzano kana nga murahu ha nyambedzano na, kana hu na pfano na Murado u re na vhudifhinduleli, thoëa yeneyo, nga nnda ha musi muñwe wa murado o zwi laedza nga iñwe ndila i do dzhiwa sa yo pfaniwaho naho arali nyambedzano yo itea vhukati ha vhaofisi vha akhaundu i kwameaho kana vhaimeleli vhayo.

(2) Nga nnda ha musi hu tshi tevhelwa zwo bulwaho kha khethekanyo thukhu ya (1) murado u nga kona u laedza muofisiri wa khethekanyo yo bulwaho kha uno mulayo kana muñwe mulayo une wa laulwa nga ene, maanda mañwe na mañwe, kana mushumo we a hwedzwa nga uyu mulayo kana muñwe mulayo u elanaho na mbuelo, tshumiso kana thundu ya Vundu kana dzangano la muvhuso, nga nnda ha maanda a ndangulo kana mushumo wo bulwaho kha khethekanyo ya 4(3), 7 na 35(3) fhedzi a zwi nga pambuswi nga afhio maanda kana mushumo wo laedzwaho, zwi nga khiwinisa kana u tusa muhumbulo wa uyo muofisiri zwi tshi bva kha maanda a uyo muimeleli.

Vhulangi

24. (1) Murado u re na vhudifhinduleli u nga ita vhulangi—

- (a) U sumbedza mishumo na vhudifhinduleli ha muofisiri wa mbalelano.
- (b) U sumbedza tshiimo tsha vhaofisiri sa vhatanganedzi vhahulwane vha mbuelo vha vundu na vhatanganedzi vha mbuelo vha Vundu na u sumbedzisa mishumo yavho na vhudifhinduleli havho.
- (c) U sumbedza u lifha mulandu zwi tshi bva kha mbuelo ya zwino ya mali yo kuvhanganyiwaho zwo khakhea.
- (d) U lugisela maimo a vhaofisiri kana vhañwe vhathu sa vhalangi vha zwagwama na vhaofisiri sa vha mbalelano na u vha sumbedza mishumo yavho na vhudifhinduleli havho sa zwe-nezwo.
- (e) U sumbedzisa maitete ane a do tevhelwa malugana na u kuvhanganya, u tanganedza, u vhulunga, ndifhelo ya mali na ndangulo, u difhindulela kha, na u lavhelesa masheleni a muvhuso o vhwaho malugana na zwenezwo.
- (f) U lugisela ndila dzine zwifhiwa zwa Vundu zwa nga tanga-nedzwa ngadzo na kushumisele.
- (g) U lugisela ndangulo kha u dzhiya tshitoko tsha vhalindi, zwitembe na iñwe ndaka ya muvhuso.
- (h) U lugisela maitete na ndila dzine vhaofisiri vha mbalelano na Vhulangwagwama vha do shumisisa hani maanda na u shuma mishumo yo laedzwaho nga hoyu Mulayo.
- (i) U lugisela ndugiselo dza zwa gwama malugana na u ita tshumelo dzi itelwaho tshinwe tshiimiswa.
- (j) U lugisela nga u angareza kulangele kwa ndugiselo na u kona u swikela ndivho dza uyu Mulayo.
- (k) U lugisela u thomiwa ha khomithi dza odithi na khomithi dza odithi dza ngomu.

(2) Hu nga itwa vhulangi dzo fhambanaho fhasi ha khethekanyo thukhu ya (1) malugana na zwipida zwa mali ya muvhuso kana thundu ya muvhuso kana zwigwada zwa vhathu zwo fhambanaho zwo newaho maanda a u kuvhanganya, u tangedza, u londota, u lifha na u langula, u difhindulela, na u lavhelesa mali na iñwe thundu ya muvhuso.

(3) Murado a re na vhudifhinduleli arali zwi tshi konadzea, nga muhumbulo wawe a nga ita vhulangi fhasi ha khethekanyo thukhu ya (1) zwa tea u shumiwa nazwo kana a zwi tei u shumiwa nazwo sa zwe zwa lavhelelwa nga ene mune.

(4) (a) Vhulangi ho itwaho fhasi ha Mulayo wa Lushaka wa Mulangagwama dzi do shume *mutatis mutandis* kha Vundu u swika dzi tshi do imelwa kana u shandukiswa nga Murado a re na vhudifhinduleli.

Ndaela

25. (1) Vhulangwagwama vhu nga nea ndaela tshifhinga tshiñwe na tshiñwe na dziñwe ndila dzi sa tendelani na vhulangi malugana na—

- (a) zwiñwe na zwiñwe zwo bulwaho kha khethekanyo 18;
- (b) zwiñwe na zwiñwe zwo bulwaho kha khethekanyo 24;
- (c) ndila ine muofisiri a re na vhudifhinduleli a do divhadza ngayo vhulangwagwama ha Vundu na vhathu vhane ndivhadzo dza do sainiwa ngavho.
- (d) Vhulangi nga u angaredza ya ndugiselo dza uyu Mulayo na Vhulangi na u swikela ndivho idzo.

(2) Vhulangwagwama ha Vundu nga muhumbulo waho arali maimela a tshi tenda vhu nga khwañisedza u bva kha ndaela.

(3) Ndaela dza vhulangwagwama dzo bviswaho hu tshi tevhedzwa Mulayo wa vhulangwagwama wa Lushaka dzi do shuma *mutatis mutandis* kha Vundu, u swika dzi tshi imelwa kana u khwiniswa nga Ndaela dzo bviswaho nga Vhulangagwama.

Ndaela dza Mbuelo

26. Muofisiri o vhwaho sa mutanganedzi wa mbuelo muhulwane wa Vundu tshifhinga tshiñwe na tshiñwe, zwa tea u itwa nga u ralo musi zwi tshi todwa nga Vhulangwagwama zwa nekédzwa vhathu vhothe vha re na vhudifhinduleli ha u kuvhanganya, u langa na u bvisa mbuelo ifhio na ifhio nga nda ha musi e Mutanganedzi muhulwane wa Vundu sa iñwe mbuelo sa vhulangwagwama vhu nga anganyela iyo ndaela (ine ya pfi Ndaela ya Mbuelo), vhu nga khwañisedza kana a humbela uri a bvisa ndaela ya u kuvhanganya, u laula na u bvisa.

NDIMA YA III

DZINA LIPFHUFHI

Dzina lipfufhi

27. Hoyo Mulayo u do pfi Mulayo wa Mulangagwama wa Vundu la Transivala Devhula, 1994.