



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

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No. 3

PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 3

30 September 1994

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

No. 2 of 1994: Northern Transvaal Tender Board Act, 1994.

ACT

To provide for the regulation of the procurement of supplies and services for, the disposal of movable property of, and the hiring or letting of anything or the acquisition or granting of any right for or on behalf of, the Province and to that end to establish the Northern Transvaal Tender Board and to define its functions; and to provide for incidental matters.

(English text signed by the Premier)
(Assented to on 28 September 1994)

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

Definitions

1. In this Act, unless the context otherwise indicates—

“Board” means the Northern Transvaal Tender Board established by section 2;

“Constitution” means Constitution of the Republic of South Africa Act, 1993 (Act No. 200 of 1993); as amended

“employee” means a person referred to in section 8(1)(c) of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“Executive Council” means the Executive Council of the Province of Northern Transvaal;

“Government” means the government of the Province of Northern Transvaal and excludes local government;

“Member of the Executive Council” means the member responsible for Finance;

“officer” means a person who has been appointed permanently, irrespective of whether such appointment is on probation or not, to a post referred to in section 8(1)(a) of the Public Service Act, 1994, and includes a person referred to in section 8(1)(b) or 8(3)(c) of that Act; (i)

“Premier” means the Premier of the Province of Northern Transvaal, acting in accordance with the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993); (iv)

“Province” means the Province of Northern Transvaal as defined in the Constitution;

“Regulations” means the regulations made under section 9;

“Treasury” means the Treasury of the Province of Northern Transvaal.

PART I

THE NORTHERN TRANSVAAL TENDER BOARD

Establishment of the Northern Transvaal Tender Board

2. (1) There is hereby established a Board to be known as the Northern Transvaal Tender Board.

(2) The powers and functions exercised or performed prior to the date of commencement of this Act by the tender boards which exercised such powers and performed such functions in relation to the procurement of supplies and services for, the disposal of property, and the hiring or letting of anything or the acquisition or granting of any right for or on behalf of the Province, shall for the purposes of this Act be deemed to have been exercised or performed by the Tender Board referred to in subsection (1).

Constitution of the Board

3. (1) The Board shall consist of not less than twelve members and not more than sixteen members to be appointed by the Executive Council of whom at least half shall be officers or employees.

(2) The Member of the Executive Council shall designate any member of the Board as chairperson and any other member as vice-chairperson who shall act as chairperson of the Board when the chairperson is absent or is unable to perform his or her duties, and when both the chairperson and the vice-chairperson are absent from any meeting of the Board, the members present thereat may elect one of their number to preside at such meeting.

(3) Subject to the provisions of subsection (4) a member of the Board, who is an officer or employee shall hold office during the Executive Council's pleasure and any other member shall hold office for a period of three years.

(4) A member or alternate member shall vacate his or her office—

- (a) if he or she resigns;
- (b) if he or she absent himself or herself from two consecutive meetings of the Board without its leave; or
- (c) if he or she is dismissed by the Executive Council for reasons which in the opinion of the Executive Council, render him or her unsuitable to serve on the Board.

(5) The remuneration and allowances of a member of the Board not being in the full-time employment of the Province shall be determined from time to time by the Member of the Executive Council.

(6) The Board may appoint one alternate member for each member other than the member designated as chairperson. The alternate members shall not be entitled to vote on any matter under discussion, and shall not form part of the quorum.

(7) No person shall be qualified to become or remain a member or alternate member of the Board, if he or she is a member of the National Assembly, the Senate, a provincial legislature or a local government.

(8) The members or alternate members of the Board shall not be appointed unless the responsible Member has invited interested parties by notice in the *Provincial Gazette* to nominate candidates for consideration by the Executive Council within 14 days of the publication of such notice.

(9) If a member or alternate member of the Board dies, or ceases to be a member or alternate member in terms of subsection (4), the Executive Council may, subject to the provisions of subsections (7) and (8), appoint any person in the place of such member or alternate member for the unexpired period of office of such member or alternate member.

Powers of the Board

4. (1) The Board shall have the sole power to procure supplies and services for the Province, and, subject to the provisions of any other Act of the provincial legislature, to arrange the hiring or letting of anything, or the acquisition or granting of any right for or on behalf of the Province, and to dispose of movable Provincial property, and may for that purpose—

- (a) on behalf of the Province, conclude an agreement with a person within or outside the Republic for the furnishing of supplies and services to the Province, or for the hiring or letting of anything or the acquisition or granting of any right for or on behalf of the Province or for the disposal of movable Provincial property;
- (b) with a view to concluding an agreement referred to in paragraph (a), in any manner it may deem fit, invite offers and determine the manner in which and the conditions subject to which such offers shall be made;
- (c) inspect and test or cause to be inspected and tested supplies and services which are offered or which are or have been furnished in terms of an agreement concluded under this section, and anything offered for hire;
- (d) accept or reject any offer for the conclusion of an agreement referred to in paragraph (a);
- (e) take steps or cause steps to be taken to enforce an agreement concluded under this section;
- (f) on behalf of the Province, resile from any agreement concluded under this section and, in an appropriate case, claim damages;
- (g) subject to the provisions of subsection (2), on such conditions as it may determine, exempt any person with whom such an agreement has been concluded from compliance with such agreement or condone the failure of such person to comply with such agreement;
- (h) subject to the provisions of subsection (2), negotiate a settlement with a person referred to in paragraph (g), or amend the agreement concerned with the approval of such person;
- (i) issue directives to Provincial departments with regard to the procurement of supplies and services for, the disposal of movable property of, and the hiring or letting of anything or the acquisition or granting of any right for or on behalf of, the Province, in order to achieve the objects of this Act;

- (j) invite expert or technical advice, and call upon any officer or employee to provide expert or technical advice in so far as it is legally permissible for such officer or employee to provide the required advice to the Board;
- (k) exercise such other powers as may be prescribed by regulation under section 9.

(2) No exemption, condonation, settlement or amendment which may be to the prejudice of the Province shall be granted, negotiated or made under paragraph (g) and (h) of subsection (1) without the prior approval of the Treasury.

(3) Any approval referred to in subsection (2) may be granted in respect of a specific agreement or in respect of all agreements entered into for the procurement of a specific supply or service.

(4) With the approval of the Member of the Executive Council in each case, and on such conditions, including conditions regarding compensation (if any), as the Member of the Executive Council may approve, the Board may exercise any power which it may exercise for and on behalf of the Province in terms of this Act, for and on behalf of any body established by or under any law.

Committees of the Board and delegation of powers

5. (1) The Board may from among its members appoint committees and designate a chairperson in respect of every such committee.

(2) The Board may from time to time delegate any of its powers to any of its committees, any person (including any member of the Board), any body of persons or the holder of any post designated by the Board.

(3) Where the Board has delegated any power under subsection (2), it may authorise the committee, person, body of persons or holder of the post concerned to delegate that power to any person, body of persons or the holder of a post.

(4) Any delegation under subsection (2) or (3) may be made subject to such conditions and restrictions (if any) as may be determined by the Board or the committee, person, body of persons or holder of the post concerned.

(5) The Board shall not be divested of any power delegated by it or under its authority and may amend or withdraw any decision made in the exercise of such power, including any decision of any committee, person, body of persons or holder of any post amending or withdrawing any decision referred to in subsection (6).

(6) Any committee, person, body of persons or holder of a post shall not be divested of any power delegated by it or him or her and may amend or withdraw any decision made in the exercise of that power.

(7) 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.

Decisions of the Board

6. (1) No decision of the Board or act performed under authority of the Board shall be invalid by reason only of a vacancy on the Board, or of the fact that a person who was not entitled to sit as a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of the members of the Board who were present at the time and entitled to sit as members.

(2) The Board shall on request give reasons for its decisions to interested parties.

(3) No organ of state and no member of any organ of state or any other person shall improperly interfere with the decisions and operations of the Board.

(4) All decisions of the Board shall be recorded.

PART II**MISCELLANEOUS PROVISIONS****Expenditure**

7. Subject to the provisions of this Act, or an agreement concluded under this Act, all expenditure in connection with the performance of the functions and the exercise of the powers of the Board shall be defrayed from moneys appropriated by Parliament for the purpose.

Administrative work

8. (1) All administrative work, including the payment and receipt of moneys, in connection with the performance of the functions and the exercise of the powers of the Board shall be performed by officers and employees designated by the Director General: Finance.

(2) The chairperson of the Board or any other person designated by the Board shall be competent to execute all documents on behalf of the Board.

Regulations

9. (1) The Member of the Executive Council may make regulations—

- (a) prescribing the manner in which property of the Province shall be disposed of;
- (b) in respect of the manner and to which invitations of tenders and quotations are subject; and
- (c) with regard to all matters for which he or she deems it necessary or expedient to make regulations in order to achieve the object of this Act.

(2) Notwithstanding anything to the contrary contained in any law, any regulations made in terms of subsection (1) may, in addition to any other remedies prescribed therein, provide for the imposition by the Board of a monetary penalty, calculated on such basis or bases as may be prescribed therein, on any person with whom the Board concluded an agreement on behalf of the Province on the strength of information furnished by such person which, subsequent to the conclusion of such agreement, is shown to have been incorrect information, and may prescribe the manner in which any such monetary penalty may be recovered.

Advisory Board

10. The Board shall advise the responsible Member on the following:

- (a) promoting the use of full and open competition in procurement;
- (b) establishing policies, procedures and practices to ensure procurement of the requisite quality within the time available at the lowest practicable cost, to minimise fraud and waste in procurement and to eliminate unnecessary overlapping or duplication of functions and effort;
- (c) achieving greater uniformity and simplicity in procurement;
- (d) promoting economy, efficiency and effectiveness in procurement;
- (e) minimising disruptive effects of provincial procurement on particular industries, areas or occupations;
- (f) improving understanding of provincial procurement policy and procedures by everyone concerned with provincial procurement in both the public and private sectors;
- (g) promoting fair dealing and equitable relationships among parties to provincial contracts; and;
- (h) any other matters relating to provincial procurement.

Repeal of laws

11. (1) The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) Until the Member of the Executive Council makes regulations under section 9, the regulations in force under any law repealed by subsection (1) of this section (hereinafter referred to as the existing regulations) shall, notwithstanding such repeal and in so far as the existing regulations can be applied and are not inconsistent with this Act, continue to apply: Provided that whenever the Member of the Executive Council makes regulations with regard to any of the matters referred to in section 9 that part of the existing regulations relating to any matter dealt with in the regulations so made by the Member of the Executive Council shall be deemed to have been withdrawn.

Short title and commencement

12. This Act shall be called the **Northern Transvaal Tender Board Act, 1994**, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

Act No. 2, 1994

NORTHERN TRANSVAAL TENDER BOARD ACT, 1994

SCHEDULE

LAWS REPEALED

Number and year of law	Short title	Extent of repeal
Act No. 3 of 1975	Lebowa Tender Board Act, 1975	The whole.
Act No. 4 of 1985	Lebowa Tender Board Amendment Act, 1985	The whole.
Act No. 3 of 1982	Gazankulu Tender Board Act, 1982	The whole.
Act No. 86 of 1968	State Tender Board Act, 1968	The whole.
Act No. 9 of 1982	State Tender Board Act, 1982	The whole.

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 3**30 September 1994**

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

No. 2 van 1994: Wet op die Noord-Transvaalse Tenderraad, 1994.

WET

Om voorsiening te maak vir die reëling van die verkryging van lewensansies en dienste vir, die vervreemding van roerende goed van, en die huur of verhuur van enigiets of die verkryging of verlening van enige reg vir of namens, die Provinsie en om te dien einde die Noord-Transvaalse Tenderraad in te stel en sy werksaamhede te bepaal; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Premier onderteken)
(Bekragtig op 28 September 1994)

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

“beampte” ’n persoon wat vas aangestel is, ongeag of so ’n aanstelling of proef is al dan nie, in pos in artikel 8(1)(a) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), bedoel, en ook ’n persoon in artikel 8(1)(b) of 8(3)(c) van daardie Wet bedoel;

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

“Lid van Uitvoerende Raad” die Lid aanspreeklik vir Finansies;

“Premier” die Premier van die provinsie Noord-Transvaal, handelende ooreenkomstig die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993); (v)

"Provinsie" die provinsie Noord-Transvaal soos in die Grondwet omgeskryf;

"Raad" die Noord-Transvaalse Tenderraad by artikel 2 ingestel;

"Regering" die regering van die provinsie Noord-Transvaal uitsluitende 'n plaaslike regering;

"Regulasies" regulasies kragtens artikel 9 uitgevaardig;

"Tesourie" die tesourie van die provinsie Noord-Transvaal;

"Uitvoerende Raad" die Uitvoerende Raad van die provinsie Noord-Transvaal;

"werknemer" 'n persoon in artikel 8(1)(c) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), bedoel.

DEEL I

DIE NOORD-TRANSVAALSE TENDERRAAD

Instelling van Noord-Transvaalse Tenderraad

2. (1) Daar word hierby 'n raad ingestel wat die Noord-Transvaalse Tenderraad heet.

(2) Die bevoegdhede en werksaamhede wat voor die datum van inwerkingtreding van hierdie Wet met betrekking tot die verkryging van leweransies en dienste en die vervreemding van goed, en die huur of verhuur van enigiets of die verkryging of verlening van enige reg vir of namens die Provinsie, uitgeoefen of verrig is deur die tenderrade wat voor bedoelde datum bedoelde bevoegdhede en werksaamhede uitgeoefen of verrig het, word vir die toepassing van hierdie Wet geag die tenderraad in subartikel (1) bedoel uitgeoefen of verrig te gewees het.

Samestelling van Raad

3. (1) Die Raad bestaan uit minstens twaalf en hoogstens sestien lede deur die Uitvoerende Raad aangestel van wie minstens die helfte beamptes of werknemers moet wees.

(2) Die Lid van die Uitvoerende Raad wys 'n lid van die Raad as voorsitter en 'n ander lid as vise-voorsitter aan wat sal optree as voorsitter van die Raad wanneer die voorsitter afwesig is of nie in staat is om sy pligte uit te voer nie, en wanneer sowel die voorsitter as die vise-voorsitter van 'n vergadering van die Raad afwesig is, kan die lede wat daarop aanwesig is, een uit hul midde kies om op dié vergadering voor te sit.

(3) Behoudens die bepalinge van subartikel (4) beklee 'n lid van die Raad wat 'n beampte of werknemer is, sy of haar amp vir so lank dit die Uitvoerende Raad behaag en beklee 'n ander lid sy amp vir 'n tydperk van drie jaar.

(4) 'n Lid van die Raad ontruim sy of haar amp—

(a) as hy of sy bedank;

(b) indien hy of sy sonder verlof van die Raad van twee agtereenvolgende raadsvergaderings afwesig is; of

- (c) indien hy of sy deur die Uitvoerende Raad afgedank word om redes wat hom of haar ongeskik maak om in die Raad te dien.
- (5) Die besoldiging en toelaes van 'n lid van die Raad wat nie in die heeltydse diens van die Provinsie is nie, word van tyd tot tyd deur die verantwoordelike lid bepaal.
- (6) Die Raad kan een alternatiewe lid vir elke lid, uitgesonderd die lid wat as voorsitter aangewys is, aanstel. 'n Alternatiewe lid is nie geregtig om te stem ten opsigte van 'n aangeleentheid onder bespreking nie, en maak nie deel van die kworum uit nie.
- (7) 'n Persoon is nie bevoeg om 'n lid of plaasvervangende lid van die Raad te word of te bly nie, indien hy of sy 'n lid van die Nasionale Vergadering, die Senaat, 'n provinsiale wetgewer of 'n plaaslike regering is.
- (8) Die lede of plaasvervangende lede van die Raad word nie aangestel nie tensy die verantwoordelike Lid belanghebbendes by kennisgewing in die *Provinsiale Koerant* uitgenooi het om, binne 14 dae na die publikasie van sodanige kennisgewing, kandidate te nomineer vir oorweging deur die Uitvoerende Raad.
- (9) Indien 'n lid of plaasvervangende lid van die Raad sterf, of ingevolge subartikel (7) of (8) ophou om 'n lid of plaasvervangende lid te wees, kan die Uitvoerende Raad, behoudens die bepalings van subartikel (4), iemand in die plek van daardie lid of plaasvervangende lid aanstel vir die onverstreke ampstermyn van daardie lid of plaasvervangende lid.

Bevoegdhede van Raad

4. (1) Die Raad is slegs bevoeg om leweransies en dienste vir die Provinsie te verkry, en behoudens die bepalings van 'n ander wet om die huur of verhuur van enigiets of die verkryging of verlening van enige reg vir of namens die Provinsie te reël, en om roerende goed van die Provinsie te vervreem en kan hy te dien einde—

- (a) namens die Provinsie met 'n persoon binne of buite die Republiek 'n ooreenkoms aangaan vir die verskaffing van leweransies en dienste aan die Provinsie, of vir die huur of verhuur van enigiets of die verkryging of verlening van enige reg vir of namens die Provinsie of vir die vervreemding van roerende goed van die Provinsie;
- (b) met die oog op die aangaan van 'n ooreenkoms in paragraaf (a) bedoel, aanbiedinge aanvra en die wyse en voorwaardes waarop sodanige aanbiedinge gemaak moet word, bepaal;
- (c) leweransies en dienste wat aangebied word of ingevolge 'n ooreenkoms wat kragtens hierdie artikel aangegaan is, gelewer word of is, en enigiets wat te huur aangebied word, inspekteer en toets of laat inspekteer en toets;
- (d) enige aanbod vir die aangaan van 'n in paragraaf (a) bedoelde ooreenkoms, aanvaar of verwerp;
- (e) stappe doen of laat doen om 'n ooreenkoms wat kragtens hierdie artikel aangegaan is, af te dwing;
- (f) namens die Provinsie terugtree uit 'n ooreenkoms wat kragtens hierdie artikel aangegaan is en, in 'n gepaste geval, skadevergoeding eis;

- (g) behoudens die bepalinge van subartikel (2), op die voorwaardes wat hy bepaal, 'n persoon met wie so 'n ooreenkoms aangegaan is, van nakoming van so 'n ooreenkoms vrystel, of die versuim van so persoon om aan so 'n ooreenkoms te voldoen, kondoneer;
- (h) behoudens die bepalinge van subartikel (2) met 'n persoon in paragraaf (g) bedoel, 'n skikking aangaan of, met die goedkeuring van so 'n persoon, die betrokke ooreenkoms wysig;
- (i) voorskrifte uitreik aan Provinsiale departemente in verband met die verkryging van leweransies en dienste vir, die vervreemding van roerende goed van, en die huur of verhuur van enigiets of die verkryging of verlenging van enige reg vir of namens, die Provinsie, ten einde die oogmerke van hierdie Wet te bereik;
- (j) deskundige of tegniese advies inwin, en enige beampte of werknemer versoek om deskundige of tegniese advies te voorsien insoverre dit wettig toelaatbaar is vir sodanige beampte of werknemer om die nodige advies aan die Raad te voorsien;
- (k) die ander bevoeghede, voorgeskryf by regulasie kragtens artikel 9, uitoefen.

(2) Geen vrystelling, kondonering, skikking of wysiging wat tot nadeel van die provinsie kan strek, word kragtens paragrafe (g) en (h) van subartikel (1) verleen, aangegaan of gemaak nie sonder die vooraf verkreeë goedkeuring van die Tesourie.

(3) Goedkeuring in subartikel (2) bedoel, kan verleen word ten opsigte van 'n bepaalde ooreenkoms of ten opsigte van alle ooreenkomste wat aangegaan is vir die verkryging van 'n bepaalde leweransie of diens.

(4) Die raad kan, met die goedkeuring van die lid van die Uitvoerende Raad in elke geval, en op die voorwaardes wat die lid van die Uitvoerende Raad goedkeur, met inbegrip van voorwaardes aangaande vergoeding (as daar is), 'n bevoegdheid wat die raad ingevolge hierdie Wet vir en namens die Provinsie kan uitoefen, vir en namens enige liggaam uitoefen wat by of kragtens wet ingestel is.

Komitees van die Raad en delegering van bevoegdhede

5. (1) Die raad kan uit sy geëieerde komitees aanstel en 'n voorsitter van elke sodanige komitee aanwys.

(2) Die raad kan van tyd tot tyd enige van sy bevoegdhede aan of enige van sy komitees, 'n persoon (met inbegrip van 'n lid van die raad), 'n liggaam van persone of die bekleër van 'n pos deur die raad aangewys, delegeer.

(3) Waar die raad 'n bevoegdheid kragtens subartikel (2) gedelegeer het, kan hy die betrokke komitee, persoon, liggaam van persone of bekleër van die pos magtig om daardie bevoegdheid aan 'n persoon, liggaam van persone of die bekleër van 'n pos te delegeer.

(4) 'n Delegasie kragtens subartikel (2) of (3) kan verleen word onderworpe aan die voorwaardes en beperkings (as daar is) wat deur die raad of die betrokke komitee, persoon, liggaam van persone of bekleër van die pos bepaal word.

(5) Die raad word nie ontdoen van 'n bevoegdheid deur hom of kragtens sy magtiging gedelegeer nie en kan 'n beslissing geneem by die uitoefening van sodanige bevoegdheid, met inbegrip van 'n beslissing van 'n komitee, persoon, liggaam van persone of bekleër van 'n pos waardeur 'n in subartikel (6) bedoelde beslissing gewysig of ingetrek word, wysig of intrek.

(6) 'n Komitee, persoon, liggaam van persone of bekleër van 'n pos word nie ontdoen van 'n bevoegdheid deur hom of sy gedelegeer nie, en kan 'n beslissing geneem by die uitoefening van daardie bevoegdheid wysig of intrek.

(7) 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.

Besluite van die Raad

6. (1) Geen besluit van die raad of handeling verrig op gesag van die raad, is ongeldig bloot vanweë 'n vakature in die raad nie, of omdat 'n persoon wat nie geregtig was om as 'n raadslid sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

(2) Die Raad moet op aanvraag redes vir sy besluite aan belanghebbendes verstrek.

(3) Geen staatsorgaan en geen lid van 'n staatsorgaan of enige ander persoon mag op 'n onbehoorlike wyse inmeng met die besluite en werksaamhede van die Raad nie.

(4) Alle besluite van die Raad moet genotuleer word.

DEEL II

DIVERSE BEPALINGS

Uitgawes

7. Behoudens die bepalinge van hierdie Wet of 'n ooreenkoms kragtens hierdie Wet aangegaan word alle uitgawes in verband met die verrigting van die werksaamhede en die uitoefening van die bevoegdhede van die raad bestry uit gelde vir die doel deur die parlement bewillig.

Administratiewe werk

8. (1) Alle administratiewe werk, met inbegrip van die betaling en ontvangs van gelde, in verband met die verrigting van die werksaamhede en die uitoefening van die bevoegdhede van die raad, word deur beamptes en werknemers verrig wat deur die Direkteur-generaal: Finansies aangewys word.

(2) Die voorsitter van die Raad of 'n ander persoon deur die Raad aangewys is bevoeg om alle stukke namens die Raad te verly.

Regulasies

9. (1) Die lid van die Uitvoerende Raad kan regulasies uitvaardig—

- (a) wat die wyse waarop goedere van die Provinsie vervreem kan word, voorgeskryf;
- (b) met betrekking tot die wyse en voorwaardes waarop tenders ingewin moet word;
- (c) met betrekking tot alle aangeleenthede waarvoor hy of sy dit nodig of dienstig ag dat regulasies uitgevaardig moet word ten einde die oogmerke van hierdie Wet te bereik.

(2) Ondanks andersluidende wetsbepalinge kan regulasies ingevolge subartikel (1) uitgevaardig, benewens enige ander remedies daarin voorgeskryf, voorsiening maak vir die oplegging deur die raad 'n geldboete, bereken op die grondslag of grondslae wat daarin voorgeskryf word, aan enige persoon wie die raad 'n ooreenkoms namens die Provinsie aangegaan het op grond van inligting deur die persoon verstrekte ten opsigte waarvan daar na die sluiting van bedoelde ooreenkoms bewys word dat dit onjuiste inligting was, en die regulasies kan die wyse voorskryf waarop so 'n geldboete verhaal kan word.

Adviseerende pligte

10. Die raad adviseer die verantwoordelike Lid oor die volgende:

- (a) Die bevordering van die gebruik van volle en oop mededinging in verkryging;

- (b) die vestiging van beleid, prosedures en praktyke om verkryging van die vereiste gehalte binne die beskikbare tyd teen die laagste moontlike koste te verseker, ten einde bedrog en vermorsing in verkryging te beperk en om onnodige oorvleueling of duplisering van funksies en moeite uit te skakel;
- (c) die bereiking van groter eenvormigheid en eenvoud in verkryging;
- (d) die bevordering van ekonomie, bekwaamheid en doeltreffendheid in verkryging;
- (e) die minimalisering van die ontwrigtende uitwerking van provinsiale verkryging op spesifieke industrieë, gebiede of beroepe;
- (f) die verbetering van begrip van die provinsiale verkrygingsbeleid en prosedures, by alle persone wat betrokke is by provinsiale verkryging in beide die openbare en die privaat sektore;
- (g) die bevordering van regverdige handel en goeie onderlinge verhoudinge tussen partye tot provinsiale kontrakte; en
- (h) enige ander sake rakende provinsiale verkryging.

Herroeping van wette

11. (1) Behoudens die bepalings van hierdie Wet, word die wette in die Bylae genoem herroep in die mate in die derde kolom daarvan aangedui.

(2) Totdat die lid van die Uitvoerende Raad kragtens artikel 9 regulasies uitvaardig, bly die regulasies wat ingevolge 'n wet herroep deur subartikel (1) van hierdie artikel van krag is (hieronder die bestaande regulasies genoem), ondanks sodanige herroeping, van krag vir sover die bestaande regulasies toegepas kan word en nie met die bepalings van hierdie Wet onbestaanbaar is nie: Met dien verstande dat, wanneer die lid van die Uitvoerende Raad regulasies in verband met enige aangeleentheid vermeld in artikel 9 uitvaardig, daardie gedeelte van die bestaande regulasies wat betrekking het op enige aangeleentheid in die regulasies aldus deur die lid van die Uitvoerende Raad uitgevaardig, geag word ingetrek te wees.

Kort titel en inwerkingtreding

12. Hierdie Wet heet die **Wet op die Noord-Transvaalse Tenderraad, 1994**, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

BYLAE

WETTE HERROEP

Nommer en jaar van Wet	Kort titel	In hoeverre herroep
Wet No. 3 van 1975	Lebowa-Wet op die Tenderraad, 1975	Die geheel.
Wet No. 4 van 1985	Wysigingswet op die Lebowa-Wet op die Tenderraad	Die geheel.
Wet No. 8 van 1982	Gazankulu-Wet op die Tenderraad, 1982	Die geheel.
Wet No. 86 van 1968	Wet op die Staatstenderraad, 1968	Die geheel.
Wet No. 9 van 1982	"State Tender Board Act, 1982"	Die geheel.

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 3

30 Ndzati 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. 2 wa 1994: Nawu wa Transvaal N'walungu wa Huvo ya Tithendara, 1994.

NAWU

Wo endla makungu yo lawula makumele ya nhundzu ni mintirho ya Xifundzankulu, leswi ku endliwaka swona hi nhundzu leyi rhurhi-sekaka ya Xifundzankulu, ni ku hirhisiwa kumbe ku lombisa xilo xin'wana ni xin'wana kumbe makumele kumbe ku nyikiwa ka mfanelo yihi ni yihi ya Xifundzankulu kumbe hi ku yimela, Xifundzankulu kutani ku endlela ku fikelela sweswo ku simekiwa ka Huvo ya tithendara ya Transvaal N'walungu ni ku hlamusela mintirho ya yona; na ku endla makungu ya timhaka leti yelanaka na tona.

*(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Ri pfumeriwile hi siku ra 28 Ndzati 1994)*

MFUMO wa Milawu wa Xifundzankulu xa Transvaal N'walungu WU VEKA NAWU hi ndlela leyi:—

Tinhlamuselo

1. Handle ka loko matirhiselo ya marito ya kona ya vula swin'wana eka Nawu lowu:—

“Holobyenkulu” ri vula Holobyenkulu wa Xifundzankulu xa Transvaal N'walungu, loyi a tirhaka hi ku landza Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993); (iv)

“Huvo” ri vula Huvo ya Tithendara ya Transvaal N'walungu leyi yi nga simekiwa hi xiyenge xa 2;

“Huvonkulu” ri vula Huvonkulu ya Xifundzankulu xa Transvaal N'walungu;

"Mfumo" ri vula mfumo wa Xifundzankulu xa Transvaal N'walungu naswona a swi katsi mfumo wa ndhawu;

"muthoriwa" ri vula munhu loyi a vuriwaka eka xiyenge xa 8(1)(c) xa Nawu wa Vutirheli bya Tiko, 1994 (Xitivisa-nawu xa 103 xa 1994);

"mutirhela-tiko" ri vula munhu loyi a thoriweke ku tirha nkarhi hinkwa-wo, swi nga ri na mhaka ni leswaku ku thoriwa ka kona i ko ringeta kumbe e-e, eka ntirho lowu wu vuriweke eka xiyenge xa 8(1)(a) xa Nawu wa Vutirheli bya Tiko, 1994 naswona ku katsiwa na munhu loyi a vuriwaka eka xiyenge xa 8(1)(b) kumbe xa 8(3)(c) xa Nawu wolowo; (i)

"Va Nkwama" swi vula Va Nkwama wa Xifundzankulu xa Transvaal N'walungu;

"Swinawana" ri vula swinawana leswi swi endliweke hi ku landza xiyenge xa 9;

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

"Xifundzankulu" ri vula Xifundzankulu xa Transvaal N'walungu tani hilaha xi hlamuseriweke eka Vumbiwa;

"Xirho xa Huvonkulu" swi vula xirho lexi xi nga ni vutihlamuleri bya Timali.

XIPHEMU XA I

HUVO YA TITHENDARA YA TRANSVAAL N'WALUNGU

Ku simekiwa ka Huvo ya Tithendara ya Transvaal N'walungu

2. (1) Laha ku simekiwa Huvo leyi yi nga ta tiviwa tani hi Huvo ya Tithendara ya Transvaal N'walungu.

(2) Matimba ni mintirho leswi swi nga tirhisiwa ni ku endliwa ku nga si fika siku ra ku sungula ku tirhisiwa ka Nawu lowu hi tihuvo ta tithendara leti ti nga tirhisa matimba yalawo ni ku endla mintirho yaleyo hi mayelana ni makumekelo ya nhundzu ni mintirho ya Xifundzankulu, leswi ku endliwaka swona hi nhundzu, ku hirhisiwa kumbe ku lombisiwa ka xilo xin'wana ni xin'wana kumbe makumele kumbe ku nyikiwa ka mfanelo yihi ni yihi ya Xifundzankulu kumbe hi ku yimela Xifundzankulu, hi swikongomelo swa Nawu lowu, swi fanele swi tekiwa swi tirhisiwile kumbe ku endliwa hi Huvo ya Tithendara leyi yi vuriwaka eka xiyengenyana xa (1).

Vumbiwa ra Huvo

3. (1) Huvo yi fanele ku vumbiwa hi swirho leswi swi nga riki ehansi ka khumembirhi naswona swi fanele swi nga tluli swirho swa khumetsevu leswi swi faneleke ku thoriwa hi Huvonkulu laha hafu ya swona swi faneleke ku va vutirhela-tiko kumbe vathoriwa.

(2) Xirho xa Huvonkulu xi veka xirho xihhi ni xihhi xa Huvo tani hi mutshami wa xitulu ni xirho xihhi ni xihhi xin'wana tani hi museketeri wa mutshami wa xitulu lexi xi faneleke ku tirha tani hi mutshami wa xitulu wa Huvo loko mutshami wa xitulu a nga ri kona kumbe a tsandzeka ku tirha mintirho ya yena naswona loko havumbirhi mutshami wa xitulu ni museketeri wa mutshami wa xitulu va nga ri kona eka nhlengeletano yihi ni yihi ya Huvo, swirho leswi swi nga kona enhlenge letanweni swi nga ha hlawula xin'wana xa swona ku fambisa nhlengeletano yaleyo.

(3) Hi ku landza makungu ya xiyengenyana xa (4) xirho xa Huvo, lexi xi nga mutirhela-tiko kumbe muthoriwa xi fanele ku khoma ntirho ku ringana nkarhi lowu wu tsakeriwaka hi Huvonkulu naswona xirho xihhi ni xihhi xin'wana xi fanele ku khoma ntirho nkarhi lowu ringanaka malembe manharhu.

(4) Xirho kumbe xirho xo siva xi fanele ku tshika ntirho wa xona —

- (a) loko xi tshika ntirho;
- (b) loko xi xwa etinhlengeletanweni timbirhi ta Huvo hi ku landzele-lana handle ka livhi leyi xi nyikiweke hi Huvo; kumbe
- (c) loko xi hlongoriwa hi Huvonkulu hikokwalaho ka swivangelo leswi hi ku vona ka Huvonkulu, swi endlaka leswaku xi nga faneriwi hi ku tirha eka Huvo.

(5) Muholo ni swengetelo swa xirho xa huvo lexi xi nga thoriwangiki ku tirha nkarhi hinkwawo eka Xifundzankulu wu fanele ku bohiwa nkarhi na nkarhi hi Xirho xa Huvonkulu.

(6) Huvo yi nga ha thola xirho xin'we xo siva xirho xin'wana ni xin'wana handle ka xirho lexi xi nga vekiwa ku va mutshami wa xitulu. Swirho swo siva a swi fanelangi ku vhotla emhakeni yihi ni yihi leyi yi kaneriwaka naswona a swi nga vumbi khoramu.

(7) Ku hava munhu loyi a fanelaka ku va kumbe ku tama a ha ri xirho kumbe xirho xo siva xa Huvo loko a ri xirho xa Mfumo wa Milawu wa Rixaka, Seneti, mfumo wa milawu wa xifundzankulu kumbe mfumo wa ndhawu.

(8) Swirho kumbe swirho swo siva swa Huvo a swi nga thoriwi handle ka loko Xirho lexi xi nga ni vutihlamuleri xi rhambile mintlawo leyi yi khumbiwaka hi xitiviso eka Gazete ya Xifundzankulu ku langha vayimela-kulangwa lava va faneleke ku xopaxopiwa hi Huvonkulu ku nga si hela masiku ya 14 ya ku kandziyisiwa ka xitiviso xexo.

(9) Loko xirho kumbe xirho xo siva xa Huvo xi lova, kumbe xi tshika vuxirho kumbe ku va xirho xo siva hi ku landza xiyengenyana xa (4), Huvonkulu, hi ku landza makungu ya swiyengenyana swa (7) na (8), yi nga ha thola munhu wihi ni wihi ematshan'weni ya xirho kumbe xirho xo siva wo hetisa nkarhi lowu wu nga sala wa ntirho wa xirho xexo kumbe xirho xo siva.

Matimba ya Huvo

4. (1) Huvo yi ri yoxe yi fanele ku va na matimba yo kuma nhundzu ni mintirho ya Xifundzankulu, naswona, hi ku landza makungu ya Nawu wihi ni wihi wun'wana wa mfumo wa milawu wa Xifundzankulu, yi na matimba yo lulamisa ku hirhisiwa kumbe ku lombisiwa ka xilo xin'wana ni xin'wana kumbe ku kuma kumbe ku nyika mfanelo yihi ni yihi ya Xifundzankulu kumbe hi ku yimela Xifundzankulu, ni ku endla swin'wana hi nhundzu leyi rhurhisekaka ya Xifundzankulu naswona hikokwalaho ka xikongomelo xexo —

- (a) hi ku yimela Xifundzankulu, yi nga ha endla ntwanano ni munhu loyi a nga endzeni kumbe ehandle ka Riphabliki ku endlela ku nyika nhundzu ni mintirho eka Xifundzankulu, kumbe ku hirhiwa kumbe ku lombiwa ka nchumu wihi ni wihi kumbe makumele kumbe ku nyikiwa ka mfanelo yihi ni yihi ya Xifundzankulu kumbe hi ku yimela Xifundzankulu kumbe ku endla swin'wana hi nhundzu leyi rhurhisekaka ya Xifundzankulu;

- (b) hi ku endlela ku fikelela ntwanano lowu wu vuriwaka eka ndzimana ya (a), hi ndlela yihi ni yihi leyi yi vonaka yi fanerile, yi nga ha rhamba tithendara ni ku veka ndlela leyi ni swipimelo leswi tithendara teto ti nga ta endliwa ha kona;
- (c) yi nga ha kambela ni ku ringeta kumbe ku endla leswaku ku kamberiwa ni ku va ku ringetiwa nhundzu ni mintirho leyi yi nyikiwaka kumbe leyi yi nga nyiketiwa hi ku landza ntwanano lowu wu nga endliwa hi ku landza xiyenge lexi ni nchumu wun'wana ni wun'wana lowu wu nga nyiketeriwa ku hirhisiwa;
- (d) yi nga ha amukela kumbe ku ala nyiko yihi ni yihi ku endlela ku endla ntwanano lowu wu vuriwaka eka ndzimana ya (a);
- (e) yi nga ha teka magoza kumbe ku endla leswaku ku tekiwa magoza ku endlela ku tiyisisa ntwanano lowu wu endliweke hi ku landza xiyenge lexi;
- (f) hi ku yimela Xifundzankulu, yi nga ha tshika ntwanano wihi ni wihi lowu wu endliweke hi ku landza xiyenge lexi, naswona emhakeni leyi yi faneleke yi londza ku onhakeriwa;
- (g) hi ku landza makungu ya xiyengenyana xa (2) hi ku ya hi swipimelo swo tano tani hilaha yi nga ha vekaka, yi nga ntshuxa munhu wihi ni wihi loyi ntwanano wo tano wu nga endliwa na yena leswaku a nga landzeleli ntwanano walowo kumbe ku rivalela ku tsandzeka ka munhu yaloye ku landzelela ntwanano walowo;
- (h) hi ku landza makungu ya xiyengenyana xa (2), ku nga ha kaneriwa ntwanano ni munhu loyi a vuriwaka eka ndzimana ya (g), kumbe ku hundzuluxa ntwanano lowu khumbekaka hi ku pfumeleriwa hi munhu yaloye;
- (i) yi nga ha nyika swiletelo eka tindzawulo ta Xifundzankulu hi mayelana ni makumele ya nhundzu ni mintirho ya Xifundzankulu, leswi ku endliwaka swona hi nhundzu leyi yi rhurhisekaka, ya Xifundzankulu ni ku hirhisiwa kumbe ku lombisiwa ka xilo xin'wana ni xin'wana kumbe makumele kumbe manyikele ya mfanelo yihi ni yihi ya Xifundzankulu, kumbe hi ku yimela Xifundzankulu, ku endlela ku fikelela swikongomelo swa Nawu lowu;
- (j) yi nga ha kombela xitsundzuxo xa vutivi kumbe vuthekiniki, ni ku vitana mutirhela-tiko wihi ni wihi kumbe muthoriwa ku nyika xitsundzuxo xa vutivi kumbe vuthekiniki hilaha swi pfumeleriwa ha kona hi nawu eka mutirhela-tiko yaloye kumbe muthoriwa ku nyika xitsundzuxo lexi xi lavekaka eka Huvo;
- (k) yi nga ha tirhisa matimba man'wana tani hilaha swi nga ha vekiwaka ha kona hi xinawana lexi hi ku landza xiyenge xa 9.

(2) Ku hava ku ntshunxiwa, ku tsetseleriwa, ku twanana kumbe ku hundzuluxa loku ku nga onhelaka Xifundzankulu loku ku faneleke ku nyikiwa, ku kaneriwa kumbe ku endliwa hi ku landza ndzimana ya (g) na (h) ta xiyengenyana xa (1) handle ka ku sungula ku pfumeleriwa hi Va Nkwama.

(3) Mpumelelo wihi ni wihi lowu wu vuriwaka eka xiyengenyana xa (2) wu nga ha nyikiwa hi mayelana na ntwanano wo karhi kumbe hi mayelana na mintwanano hinkwayo leyi yi endliweke ku endlela ku kuma nhundzu yo karhi kumbe ntirho.

(4) Hi mpfumelelo wa Xirho xa Huvonkulu eka mhaka yin'wana ni yin'wana naswona hi ku ya hi swipimelo sweswo, ku katsa na swipimelo swa mayelana ni ku ririsiwa (loko swi ri kona) tani hilaha Xirho xa Huvonkulu xi nga ha pfumelelaka ha kona, Huvo yi nga ha tirhisa matimba wahi ni wahi lawa yi nga ha ma tirhisaka ya Xifundzankulu na hi ku yimela Xifundzankulu hi ku ya hi Nawu lowu, ya vandla rihi ni rihi kumbe hi ku yimela vandla rihi ni rihi leri ri simekiweke hi nawu wihi ni wihi kumbe ehansi ka nawu wihi ni wihi.

Tikomiti ta Huvo ni ku nyiketiwa matimba

5. (1) Huvo yi nga ha hlawula exikarhi ka swirho swa yona tikomiti ni ku veka mutshami wa xitulu hi tlhelo ra komiti yin'wana ni yin'wana yo tano.

(2) Nkarhi ni nkarhi Huvo yi nga ha nyiketa matimba wahi ni wahi ya yona eka yihi ni yihi ya tikomiti ta yona, munhu wihi ni wihi (ku katsa ni xirho xihhi ni xihhi xa Huvo) vandla rihi ni rihi ra vanhu kumbe mukhomi wa ntirho wihi ni wihi loyi a vekiweke hi Huvo.

(3) Laha Huvo yi nga nyiketa matimba ya yona wahi ni wahi hi ku landza xiyengenyana xa (2), yi nga ha nyika matimba eka komiti, munhu, vandla ra vanhu kumbe mukhomi wa ntirho loyi a khumbekaka, ku nyiketa matimba yalawo eka munhu wihi ni wihi, vandla ra vanhu kumbe mukhomi wa ntirho.

(4) Vurhumiwa byihi ni byihi hi ku landza xiyengenyana xa (2) kumbe xa (3) byi nga ha endliwa hi ku landza swipimelo sweswo ni swisivelo (loko swi ri kona) tani hilaha swi nga ha vekiwaka hi Huvo kumbe komiti, munhu, vandla ra vanhu kumbe mukhomi wa ntirho lowu khumbekaka.

(5) Huvo a yi nga tekeriwa matimba wahi ni wahi lawa ya nyiketiweke yona kumbe ehansi ka vulawuri bya yona naswona yi nga ha hundzuluxa kumbe ku susa xiboho xihhi ni xihhi lexi xi nga endliwa eku tirhisiweni ka matimba yalawo, ku katsa ni xiboho xihhi ni xihhi xa komiti yihi ni yihi, munhu, vandla ra vanhu, kumbe mukhomi wa ntirho wihi ni wihi loyi a hundzuluxaka kumbe ku susa xiboho xihhi ni xihhi lexi xi vuriwaka eka xiyengenyana xa (6).

(6) Komiti yihi ni yihi, munhu, vandla ra vanhu kumbe mukhomi wa ntirho a nga fanelanga ku tekeriwa matimba wahi ni wahi lama a nga nyiketiwa hi Huvo kumbe hi yena n'wini naswona a nga ha hundzuluxa kumbe ku susa xiboho xihhi ni xihhi lexi xi nga endliwa loko ku tirhisiwa matimba yalawo.

(7) Laha matimba wahi ni wahi ma nga nyiketiwa mukhomi wa ntirho, matimba yalawo ma nga ha tirhisiwa hi munhu loyi nkarhi walowo a tirhaka mintirho leyi yi welaka eka ntirho walowo.

Swiboho swa Huvo

6. (1) Ku hava xiboho xa Huvo kumbe xendlo lexi xi endliweke hi ku landza matimba ya Huvo lexi xi faneleke ku ka xi nga tirhi ntsena hi xivangelo xa leswaku a ku ri na vangwa eka Huvo, kumbe hikokwalaho ka leswi a ku ri na munhu loyi a a nga pfumeleriwangi ku va xirho hi nkarhi lowu xiboho xi nga endliwa kumbe xendlo xi nga pfumeleriwa, loko xiboho xi endliwile kumbe xendlo xi pfumeleriwile hi vuningi lebyi byi lavekaka bya swirho swa Huvo leswi a swi ri kona hi nkarhi wa kona ni ku pfumeleriwa ku va kona tani hi swirho.

(2) Huvo, loko yi komberiwa, yi fanele ku nyika swivangelo ehenhleni ka wiboho swa yona leswi yi swi boheke yi nyika mintlawe leyi yi khumbe-kaka.

(3) Ku hava vandla kumbe mfumo naswona ku hava xirho xa vandla rihi ni rihi kumbe mfumo kumbe munhu wihi ni wihi loyi a nga ta enghenelela swi nga fanelanga eka swiboho ni matirhelo ya Huvo.

(4) Swiboho hinkwaswo swa Huvo swi fanele ku rhekhodiwa.

XIPHEMU XA II

MAKUNGU YA TIN'WANA NI TIN'WANA

Tihakelelo

7. Ku ya hi makungu ya Nawu lowu, kumbe ntwanano lowu wu nga fikeleriwa hi ku landza Nawu lowu, tihakelelo hinkwato leti ti yelanaka ni ku tirha mintirho na ku tirhisa matimba ya Huvo ti fanele ku hakeriwa ti huma eka timali leti ti pimanyetiweke hi Palamende hi xikongomelo lexi.

Ntirho wa ta mafambisele

8. (1) Ntirho hinkwawo wa ta mafambisele, ku katsa ni ku hakela na ku amukela timali hi mayelana ni ku tirha mintirho ni ku tirhisa matimba ya Huvo, swi fanele ku endliwa hi vatirhela-tiko ni vathoriwa lava va nga vekiwa hi Mulawuri Jenerala: Timali.

(2) Mutshami wa xitulu wa Huvo kumbe munhu wihi ni wihi un'wana loyi a vekiweke hi Huvo u fanela ku va ni vuswikoti byo tirha ni matsalwa hinkwawo hi ku yimela Huvo.

Swinawana

9. (1) Xirho xa Huvonkulu xi nga ha endla swinawana—

- (a) Leswi swi vekaka maendlele lawa nhundzu ya Xifundzankulu, yi faneleke ku endliwa swona;
- (b) hi tlhelo ra maendlele ni leswi ku rhamba tithendara ni mintshaho, swi faneleke ku landzelela swona; ni
- (c) hi mayelana ni timhaka hinkwato leti xi vonaka ti fanerile kumbe ti hatlisisaka ku endla swinawana ku endlela ku fikelela xikongomelo xa Nawu lowu.

(2) Hambiloko ku ri na swin'wana eka nawu wihi ni wihi leswi swi kanetaka swinawana swihi ni swihi leswi swi endliweke hi ku landza xiyengenyana xa (1), eka ku tlhandlekela ehenhla ka tindlela tihi ni tihi tin'wana to lulamisa leti ti vekiweke eka swona, swi nga ha endla makungu ya ku vekiwa ka xigwevo xa mali hi Huvo, lexi xi hlayeriweke hi ndlela yaleyo kumbe tindlela teto ti nga ha vekiwaka leti ti nga vekiwaka eka swona, eka munhu wihi ni wihi loyi Huvo yi nga endla ntwanano na yena hi ku yimela Xifundzankulu hi ku ya hi matimba ya mahungu lama ma nga nyikiwa hi munhu yoloye lama endzhaku ka loko ku endliwile ntwanano walowo, ma kombaka ya ri mahungu ya mavunwa, naswona swi nga ha veka ndlela leyi xigwevo xa mali yaleyo xi nga ha kumekaka hi yona.

Huvo yo Tsundzuxa

10. Huvo yi fanele ku tsunduxa Xirho lexi xi nga ni vutihlamuleri eka timhaka leti ti landzelaka:

- (a) ku antswisa ku tirhisa mphikizano lowu wu heheleke no va wu ri erivaleni eka makumele;
- (b) ku simeka milawu, maendlele ni mintolovelu ku vonisisa makumela ya nkoka lowu wu lavekaka hi nkarhi lowu wu nga vekiwa hi hakelo ya le hansi hansi swinene hilaha swi kotekaka ha kona, ku hunguta vuxisi ni ku lahlekeriwa eka makumele ni ku herisa ku khapela kumbe ku khatakanya mintirho ni matshalatshala;
- (c) ku fikelela leswaku ku va na ku fanana ni ku olovisa makumele;
- (d) ku tlakusa ikhonomi, vuswikoti ni ku hetiseka eka makumele;
- (e) ku hunguta swihingakanyo swa ku kuma swilo swa xifundzankulu eka vumakelo byo karhi, tindhawu kumbe mintirho;
- (f) ku antswisa matwisiselo ya milawu ya makumele ya xifundzankulu ni maendlele hi munhu un'wana ni un'wana loyi a khumbekaka hi ta ku kuma swilo swa xifundzankulu eka swiyenge swa tiko ni swa phurayivhete.
- (g) ku tlakusa matirhele lama nkhensekaka ni vuxaka lebyi byi nga yiki hi nghohe exikarhi ka mintlawu hinkwayo eka tikontiraka ta xifundzankulu; ni
- (h) timhaka tin'wana ni tin'wana leti ti yelanaka ni ku kuma swilo swa xifundzankulu.

Ku herisiwa ka milawu

11. (1) Milawu leyi yi vuriweke eka Xitandzhaku ya herisiwa ku fika laha yi kombisiweke hakona eka rixaxa ra vunharhu ra Xitandzhaku.

(2) Ku kondza Xirho xa Huvonkulu xi veka swinawana hi ku landza xiyenge xa 9, swinawana leswi swi tirhaka hi ku landza nawu wihi ni wihi lowu wu herisiweke hi xiyengenyana xa (1) xa xiyenge lexi (laha endzhakunyana swi vuriwaka swinawana leswi swi nga kona), hambi leswi swi nga herisiwa tano naswona tani hilaha swinawana leswi swi nga kona swi nga ha tirhisiwaka ha kona naswona swi nga kanetani na Nawu lowu, swi fanele ku ya emahlweni no tirha: Ku ri leswaku loko Xirho xa Huvonkulu xi endla swinawana hi mayelana ni yihi ni yihi ya timhaka leti ti vuriwaka eka xiyenge xa 9, xiphemu xexo xa swinawana leswi swi nga kona lexi yelanaka ni mhaka yihi ni yihi leyi ku nga tirhaniwa na yona eka swinawana leswi swi endliweke hi Xirho xa Huvonkulu, xi tekiwa xi susiwile.

Nhlokomhaka hi ku komisa no sungula ku tirha

12. Nawu lowu wu vuriwa Nawu wa Transvaal N'walungu wa Huvo ya Tithendara, 1994 naswona wu fanele ku sungula ku tirha hi siku leri ri vekiweke hi Holobyenkulu hi xitivisa-nawu eka *Gazette ya Xifundzankulu*.

XITANDZHAKU

MILAWU LEYI YI HERISIWEKE

Nomboro na lembe ra nawu	Nhlokomhaka hi ku komisa	Laha ku herisiwaka ku fika kona
Nawu wa No. 3 wa 1975	Nawu wa Lebowa wa Huvo ya Tithendara, 1975	Hinkwawo
Nawu wa No. 4 wa 1985	Nawu wo Hundzuluxa Nawu wa Lebowa wa Huvo ya Tithendara, 1985	Hinkwawo
Nawu wa No. 8 wa 1982	Nawu wa Gazankulu wa Huvo ya Tithendara, 1982	Hinkwawo
Nawu wa No. 86 wa 1968 ...	Nawu wa Tiko wa Huvo ya Tithendara, 1968	Hinkwawo
Nawu wa No. 9 wa 1982	Nawu wa Tiko wa Huvo ya Tithendara, 1982	Hinkwawo

TSEBIŠO YA PROFENSE

KANTORO YA TONAKGOLO

No. 3**30 Septemere 1994**

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

No. 2 wa 1994: Molao wa Boto ya Dithentara wa Leboa la Transefala, 1994.

MOLAO

Wa go beakanyetšwa go humanwa ga dinyakwa le ditirelo, go abaganywa ga thoto, go hira le go hiriša se sengwe le se sengwe goba khumano goba go fiwa ga tokelo ya goba legatong la Profense gomme go ka dira bjalo go hloma Boto ya Dithentara ya Profense ya Leboa la Transefala; le go beakanyetša tseo di amanago le tšona.

*(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 28 Septemere 1994)*

GA E DIRWE MOLAO ke Lekgotlapeamelao la Profense ya Leboa la Transefala, ka mo go latelago:—

Ditlhalosišo

1. Mo Molaong wo, ntle ga ge lekga le šupa se sengwe—

“boto” ke gore Boto ya Dithentara ya Leboa la Transefala leo le hlo-milwego go ya ka karolo 2;

“Lekgotlaphethiši” ke gore Lekgotlaphethiši la Profense ya Leboa la Transefala;

“Leloko la Lekgotlaphethiši” ke gore leloko leo le rwelego boikarabelo bja merero ya matlotlo;

- "Melawana" ke gore melawana yeo e dirilwego go ya ka karolo 9;
- "Mmušo" ke gore mmušo wa Profense ya Leboa la Transefala go sa akaretšwe mmušo wa selegae;
- "Mohlankedi" ke gore motho yo a thwaletšwego saruri, go sa kgathalege gore go thwala fao ke ga paka ya tebelelo goba aowa, go thwalwa fao ke ga poso yeo e šupšago karolong 8(1)(a) ya Molao wa Tirelo ya Mmušo gomme e akaretša le motho yoo a supšago karolong 8(1)(b) goba 8(3)(c) ya Molao woo; (i)
- "Molaotheo" ke gore Molaotheo wa Republiki ya Afrika Borwa, 1993 (Molao No. 200 wa 1993), go ya ka fao o fetotšwego
- "Mošomedi" ke gore motho yoo a supšago karolong 8(1)(c) ya Molao wa Tirelo ya Mmušo; 1994 (Kgoelatiso No. 103 ya 1994); Kgoeletso
- "Ofara" ke gore ofara e nngwe le e nngwe ya thentara goba khotheišene ya motho yo a lego ka gare goba ka ntle ga Repabliki, go dire kwano yeo e supšago mo karolong 4(1)(a) ya Molao;
- "Profense" ke gore Profense ya Leboa la Transefala bjalo ka ge e hlalošišwa molaotheong;
- "Sešegotlotlo" ke gore Sešegotlotlo sa Profense ya Leboa la Transefala;
- "Tonakgolo" ke gore Tonakgolo ya Profense ya Leboa la Transefala, yo a somago go ya ka Molaotheo wa Repabliki ya Afrika Borwa, 1993 (Molao No. 200 wa 1993). (iv)

KGAOLO I

BOTO YA DITHENTARA YA LEBOWA LA TRANSEFALA

Tihomo ya Boto ya Dithentara ya Lebowa la Transefala

2. (1) Ka go rialo go hlongwa Boto yeo e tla go tsebja ka la Boto ya Dithentara ya Transefala Lebowa.

(2) Maatla ao a šomisitšwego le mešomo yeo e dirilwego ke diboto tša dithentara pele ga ge Molao wo o thoma go šoma, gomme di šomi šitše maatla le go dira mešomo yeo mabapi le go humana dinyakwa le ditirelo tša go abaganya thoto, go hira le go hiriša selo sefe le sefe goba mo go humaneng goba go fiweng ga tokelo efe le efe legatong la Molao wo, di tla tšewa go ba maatla ao a šomisitšwe le mediro yeo e dirilwe ke Boto ya Dithentara yeo e šupšago karolwaneng (1).

Tihamego ya Boto

3. (1) Boto e tla hlangwa ke maloko ao a sego ka fase ga a lesomapedi gomme a sa fete maloko a lesometshela ao a tla go kgetha ke Lekgotlaphethiši bao seripagare sa bona bonyane e tlo go ba bahlankedi goba bašomedi.

(2) Leloko la Lekgotlaphethiši le tla šupa ofe kapa ofe wa maloko a boto bjalo ka modulasetulo le o mongwe gape bjalo ka motlatšamodulasetulo yo a tlogo soma bjalo ka modulasetulo ge modulasetulo a se gona goba a šitwa go dira mešomo ya gagwe, gomme ge bobedi modulasetulo gotee le motlatšamodulasetulo ba se gona kopanong efe ya boto, maloko ao a lego gona fao a tla kgetha o mongwe wa ona go dula setulo kopanong yeo.

(3) Go hlokometšwe dipeakanyetšo tša karolwana (4), leloko la boto leo e lego mohlankedi goba mošomedi o tla dula e le leloko lebaka la ge go kgahla Lekgotlaphethiši gomme ge ele maloko a mangwe a tla ba maloko lebaka la mengwaga ye meraro.

(4) Leloko goba lelokokemedi o tla tšwa ofising ya gagwe—

- (a) ge a ka rola modiro;
- (b) ge a se gona dikopanong tše pedi tša boto ka go hlatlamana ntle ga tumelelo ya boto; goba
- (c) ge a rakilwe ke Lekgotlaphethiši ka mabaka ao go ya ka kgopolo ya Lekgotlaphethiši a mo dirago go re a be le maswanedi a go ka šomela boto.

(5) Moputso le diputseletso tsa leloko la boto leo le šomelago Profense dinako ka moka, o tla bewa nako le nako ke Leloko la Lekgotlaphethiši.

(6) Boto e ka kgetha lelokokemedi lelokong le lengwe le le lengwe la boto ntle ga leloko leo le supilwego go ba modulasetulo. Malokokemedi a ka se be le tshwanelo ya go bouta tabeng efe kapa efe yeo e ahlaahlwago e bile a ka se tsewe go ba seripa sa khoramo.

(7) Ga go motho yo a ka swanelago goba a dula a le leloko goba leloko tshielano la boto, ge yena e le leloko la Kopano ya Setshaba, Senate, le la Lekgotlapeamelao la Profense goba la Mmušo-Tikologo;

(8) Maloko goba Malokotšhielano a boto a ka se kgethwe ka ntle le ge Leloko le le angwago le laleditše ka tsebišo ka *Kuranteng ya Profense* maloko a kgahlego go šupa bo nkgetheng go yo lekolwa ke Lekgotlaphethiši mo matšatšing a lesomenne go tloga tšatšing la tsebišo yeo.

(9) Ge Leloko goba lelokotšhielano la boto le hlokagala, goba le tlogela goba leloko goba lelokotšhielano go ya ka karolwana (4), Lekgotlaphethiši le ka re go ya ka dipeakanyo tša karolwana (7) le (8), la kgetha motho ofe goba ofe sebakeng sa leloko leo goba lelokotšhielano go lekana nako yeo e šetšego ya ofisi ya leloko leo goba leloko tšhielano.

Maatla a Boto

4. (1) Boto e tla ba yona e nnoši yeo e nago le maatla a go humanela Profense dinyakwa le ditirelo, gomme go hlokometšwe dipeakanyetšo tsa Molao ofe kapa ofe wa Palamente, e ka beakanya go hira le go hiriša selo se sengwe le se sengwe goba go humanwa goba fiwa tokelo efe le efe legatong la Profense le go ka abagaya thoto ya Profense, gomme e ka re ka lebaka leo ya—

- (a) legatong la Profense, la tsenela kwano le motho ka gare le ka ntle ga Repabliki go fana ka dinyakwa le ditirelo go Profense, goba go hira goba go humana goba go fiwa tokelo efe le efe legatong la Profense goba go abaganya thoto ya Profense;

- (b) laletša diofara ka tsela efe le efe le mabaka afe le afe ao diofara di ka go dirwa go ya ka ona, maikemišetšo e le go tsenela kwano yeo e šupšago temaneng (a);
 - (c) hlahloba le go dira diteko goba go dira gore go hlahlobiwe le go dira diteko go dinyakwa le ditirelo tseo go fanwago ka tsona goba tšeo go fanwego ka tšona go ya ka kwano yeo e šetšego e tsenetšwe go ya ka karolo ye, le eng le eng yeo go fanwago ka yona e hirišwa;
 - (d) ntle ga go fa mabaka go dira bjalo ya amogela goba ya ofara ya go re go tsenelwe kwano yeo e šupšago temaneng (a);
 - (e) tšea magato goba ya dira gore magato a tšewe go dira gore kwano ye e tsenetšwego e diragatšwe;
 - (f) legatong la Profense, a intšha kwanong ye e tsenetšwego go ya ka karolwana ye, mo go tsomegago, a nyaka ditshenyagalelo;
 - (g) go hlokometšwe dipeakanyetšo tša karolwana (2), godimo ga mabaka ao e ka go a bea, ya lokolla motho ofe le ofe yoo go tsenetšwego le yena kwano e bjalo, gore a se hlwe a phethagatša kwano yeo goba ya se hlwe e šetše morago taba ya gore motho yoo o šitilwe ke go phethagatša kwano yeo;
 - (h) Go ya ka dipeakanyetšo tsa karolwana (2), tsenela kwano le motho yo a šupšago go temana (g) goba go fetša kwano yeo ka tumelelano le motho yoo;
 - (i) Go fa ditaelo go dikgoro tsa Profense mabapi le khwetšo ya dinyakwa le ditirelo, go abaganya thoto, goba go hira le go hiriša selo se sengwe le se sengwe goba go hwetša go fa tokelo efe kapa efe legatong la Profense go phethagatša ditlhologelo tša motho yoo;
 - (j) Laletša ditsibi goba keletšo ya setegeniki ge molao o dumelela modiredi go fa boto yeo tshedimošo;
 - (k) Šomiša maatla afe kapa afe ao a kgethetšwego go ya ka karolo 9.
- (2) Ga go kgethollo, tshwarelo, go tsenela kwano goba phetošo ya go se hole Profense e tlogo fiwa, ya tsenelwa goba ya dirwa go ya ka temana (g) le (h) ya karolo 1 pele ga tumelelo ya Sešegotlotlo;
- (3) Tumelelo ye nngwe le ye nngwe yeo e šupšago go karolwana (2) e ka fiwa mabapi le kwano ye e itšego goba mabapi le dikwano kamoka tše di tsenetšwego go hwetša dinyakwa le ditirelo tše itšego;
- (4) Ka tumelelo ya leloko la Lekgotlaphethiši, fa go tsomegago, ka mabaka a itšego, tsenya mabaka mabapi le tefelo (yeo e ka bago gona) go ya le ka fao Leloko la Lekgotlaphethiši le ka dumelago, boto e tla šomiša maatla ao e ka a šomišago legatong la Profense go ya ka Molao wo, legatong la lekgotla le tlhomilwego ka Molao wo goba ka Molao wo mongwe le wo mongwe legatong la Profense.

(5) Ga go tokollo, tebalelo, kwano goba phedišo yeo e ka go ama Profense gampe, yeo e ka go fiwa, ya kwanelwa goba ya dirwa go ya ka temana (f) le (g) ya karolwana (1) ntle ga ge pele e dumeletšwe ke Sešegotlotlo.

(6) Tumelelo efe kapa efe ye e šupšago karolwaneng (5) e ka fiwa mabapi le kwano ye e itšego goba mabapi le dikwano ka moka tšeo di tsenetšwego go humana senyakwa goba tirelo ye e itšego.

(7) Ka tumelelo ya Leloko la Lekgotlaphethiši, tabeng ye nngwe le ye nngwe le gona mabakeng, go akaretšwa mabaka a tšhelete ya tidišo (ge e le gona), go ya ka fao leloko la Lekgotlaphethiši le ka go dumela, Boto e ka šomiša maatla ao e ka go a šomiša legatong la Profense go ya ka Molao wo, legatong la setheo sefe le sefe seo se hlomilwego go ya ka molao ofe le ofe.

Dikomiti tsa Boto le go neelana ka maatla

5. (1) Boto e ka re gare ga maloko a yona ya kgetha dikomiti le go šupa modulasetulo mabapi le komiti ye nngwe le ye nngwe.

(2) Boto e ka re nako le nako ya fana ka a mang a maatla a yona go dikomiti tša yona, motho ofe le ofe (go akaretšwa leloko la Boto), sehlopha sa batho goba motho yo a swerego poso efe le efe, yoo a tlogo šupa ke Boto.

(3) Fao Boto e fanego ka maatla go ya ka karolwana (2), e ka dumelela komiti, motho, sehlopha sa batho goba moswari wa poso yeo e bolelwago, go ka fana ka maatla ao go motho ofe le ofe, sehlopha sa batho goba moswari wa poso.

(4) Phano ya maatla go ya ka karolwana (2) goba (3) e ka dirwa eupša go hlokometšwe mabaka le dithibelo (ge di le gona) tšeo di ka go bewa ke Boto goba komiti, motho, sehlopha sa batho goba motho yo a swerego poso ye e bolwago.

(5) Boto e ka se ke ya lahlegelwa ke maatla ao e neelanego ka ona goba go ka maatla a yona le gona e ka fetoša goba ya gomiša sephetho sefe le sefe sa komiti, motho, sehlopha sa batho goba moswari wa poso, e fetoša goba e gomiša sephetho sefe seo se šupšago karolwaneng (6).

(6) Komiti efe le efe, motho, sehlopha sa batho goba moswari wa poso a ka se tšeelwe maatla ao a fanego ka ona gomme a ka fetoša goba a gomiša sephetho sefe le sefe seo a go se dira ge a le gare a šomiša maatla ao.

(7) Fao maatla go fanwego ka ona go moswari wa poso, maatla ao a ka šomiša ke motho yo ka nako yeo a dirago mešomo yeo e lebanego le poso yeo.

Diphetho tsa Boto

6. (1) Ga go sephetho sa Boto goba tiro yeo e dirilwego go ya ka maatla a Boto seo se ka se bego le maatla fela ka lebaka la gore go be go nale sekgoa Botong goba ka baka la gore motho yo a bego a sena maswanedi a go dula botong bjalo ka leloko nako ya ge sephetho seo se tšeiwa goba tiro yeo e dumelelwa, ge sephetho seo se tšerwe goba tiro yeo e dumeletšwe ke bontšhi bja maloko a Boto ao a bego a le gona nako yeo e bile ba nale tshwanelo ya go dula bjalo ka maloko.

(2) Boto e tla re ka kgopelo ya fa mabaka a diphetho tša yona go maloko a kgahlego.

(3) Ga go setho goba Mmušo le leloko la setho sefe goba sefe sa Mmušo goba motho ofe goba ofe o tla tsena-tsena ka mokgwa wa go hloka tshwanelo diphetho le ditshepedišo tša boto.

(4) Diphetho ka moka tša boto di tla ngwalwa.

KGAOLO II

DIPEAKANYETSO TŠEO DI TSWAKATSWAKANEGO

Ditshenyegelo

7. Go lebeletswe dipeakanyetšo tša Molao wo, ditshenyegelo ka moka mabapi le Boto di tšwa ditšheleteng tšeo di beetšwego thoko ke Palamente go phetha morero woo.

Mošomo wa Taolo

8. (1) Mošomo ka moka wa taolo, go akaretšwa tefo le kamogelo ya ditšhelete mabapi le go phethagatša mešomo le maatla a Boto, a tla dirwa ke bahlankedi le bašomedi bao ba beilwego ke Molaodipharephare wa Matlotlo.

(2) Modulasetulo wa Boto goba motho yo mongwe yo a šupilwego ke Boto o tla ba le maswanedi a go šomana le ditokumente ka moka legatong la Boto.

Melawana

9. (1) Leloko la Lekgotlaphethiši le ka dira melawana yeo e—

- (a) laetšago tsela yeo thoto ya Profense e tla go abagantšhwa ka yona;
- (b) bontšhago mokgwa woo ditaletšo tša dithentara le dikhothei šene di tla go dirwa ka gona; le
- (c) mabapi le ditaba tšeo a bonago di nyakega goba di le kaone go ka dira melawana go ka fihlela dinepo tša Molao wo.

(2) Le ge go kaba se sengwe seo se ka bago molaong ofe kapa ofe, molawana woo o dirilwego go ya ka karolwana (1), a ka re godimo ga ditsela tse dingwe tseo di beilwego ka go ona, a fa Boto maatla a go ka fa kotlo ya tšhelete, e šomilwego ka tsela goba ditsela tšeo di lego ka go ona, mothong ofe le ofe yo Boto e tsenetšego kwano le yena legatong la Profense go ya ka tshedimošo yeo a e filwego ke motho yoo, go bontšhago gore e be ele tshedimošo ye e fošagetšego, gomme a ka šupa tsela yeo kotlo yeo ya tšhelete e ka go hwetšwa ka yona.

Lekgotlakeletso

10. Boto e tla eletša leloko leo le angwago ditabeng tšeo di latelago:

- (a) go tutuetšo tšhomišo ya phadišano ya botlalo le ya phatlatša khumanong ya dilo;
- (b) tlhomong ya maikemišetšo, ditshepedišo le ditlwaelo go kgonthiša khumano ya boleng bjoo bo nyakegago mo nakong yeo e lego gona ka tshenyegelo ya fasefase ka moo go ka go kgonega, go fokotša bomenemene le tshenyo khumanong ya dilo le go tloša tepelelelo goba poeletšo yeo e sa nyakegego ya mediro le teko;
- (c) phihlelelo ya teefatšo le nolofatšo ye kgolwane khumanong ya dilo;
- (d) go tšwetša pele ekonomi, bokgoni le kgontšho khumanong ya dilo;
- (e) phokotšo ya ditlamorago tsa go senya tša khumano ya dilo ya profense diintasetering tše di itšego, mafelong goba mešomong;
- (f) kaonafatšo ya kwešišo ya maikemišetšo a khumano ya dilo ya profense le ditshepedišo tša o mongwe le o mongwe yoo a angwago mabapi le khumano ya dilo profenseng mo lefapheng la Mmušo le la praebete;
- (g) go tutuetša tirišano ya maleba le dikamano tša toka magareng go batho malebana le dikontraka tša profense; le
- (h) ditaba dife tše dingwe tšeo di amanago le khumano ya dilo ya profense.

Phedišo ya melao

11. (1) Melao yeo e bolelwago mo setuleng ka go rialo e a fedišwa go ya ka fao go bontšhwago mo kholomong ya boraro ya Setule.

(2) Go ba go fihlela ge Leloko la Lekgotlaphethiši le dira melawana go ya ka karolo 9, melawana yeo e šomago go ya ka molao woo o fedišitšwego ka karolwana (1) ya karolo ye (ka morago ga fa yeo e tla go bitšwa melawana ye e fedišitšwego) e tla no tšwela pele go šoma le ge phedišo yeo e le gona gape ge e le gore melawana yeo e lego gona e ka kgona go šomišwa le bile ga e kgahlanong le Molao wo: Le ge go le bjalo ge Leloko la Lekgotlaphethiši le dira melawana mabapi le ditaba tšeo di šupšago karolong 9, seripa seo sa melawana ye e lego gona yeo e amanago le taba yeo e šetsego e angwa ke melawana yeo Leloko la Lekgotlaphethiši le e dirilego, e tla sengwa gore e gomisitšwe.

Thaetlele e kopana le go thoma

12. Molao wo o tla bitšwa **Molao wa Boto ya Dithentara wa Lebowa la Transefala, 1994**, gomme o tlo thoma go šoma ka tsatšikgwedi leo le tla go bewa ke Tonakgolo ka kgoeletšo ka *Kazeteng ya Profense*.

SETULE

MELAO YEO E FEDİŞİTŞWEGO

Nomoro le ngwaga wa molao	Thaetlele e kopana	Magomo a phedišo
Molao No. 3 wa 1975.....	Molao wa Lebowa wa Boto ya Dithentara, 1975	Kamoka
Molao No. 4 wa 1985.....	Molaophetoso wa Lebowa wa Boto ya Dithentara, 1982	Kamoka
Molao No. 8 wa 1982.....	Molao wa Gazankulu wa Boto ya Dithentara, 1982	Kamoka
Molao No. 86 wa 1968.....	Molao wa Mmušo wa Boto ya Dithentara, 1968	Kamoka
Molao No. 9 wa 1983.....	Molao wa Mmušo wa Boto ya Dithentara, 1982	Kamoka

NDIVHADZO YA VUNDU

OFISI YA PREMIA

No. 3

30 Khubvumedzi 1994

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

No. 2 wa 1994: Mulayo wa Thendabodo ya Transivala Devhula, 1994.

MULAYO

Wa u vhekanyela u wanala ha zwidisedzwa na tshumelo u itela u
tusa ndaka, na u hira kana u nea thendelo ya u shumisa tshi-
fhio na tshifhio kana u wana kana u nea pfanelo ifhio na ifhio ya,
kana maimoni a, Vundu huno kha zwenezwo na vha u thoma
Thenda Bodo ya Vundu la Transifala Devhula na u vhekanyela
mafhungo a yelanaho na zwenezwo.

*(Tshipida tsha Tshiisimane tsho sainwaho nga Premia)
(Tsho divhadzwa kha nga 28 Khubvumedzi 1994)*

HU KHOU VHEWA MULAYO nga vhusimamilayo ha Vundu la Transi-
fala Devhula sa hezwi:—

Thandavhudzo

1. Kha hoyu Mulayo nga nda ha musu zwi re ngomu zwi tshi
sumbedza nga inwe ndila:—

“bodo” zwi amba thenda Bodo ya Transifala Devhula yo thomiwaho
nga khethekanyo 2;

“Ndayotewa” zwi amba Ndayotewa ya Riphabuliki ya Afrika Tshi-
pembe Mulayo 1993 (Mulayo No. 200 wa 1993); Samusi wo khwi-
niswa.

- “mutholiwa” zwi amba muthu o bulwaho kha khethekanyo 8(1)(c) ya Mulayo wa Tshumelo ya Muvhuso; (vi)
- “khorombusi” zwi amba khorombusi ya Vundu la Transifala Devhula;
- “muvhuso” zwi amba muvhuso wa Vundu la Transifala Devhula hu sa katelwi muvhuso wapo;
- “muraḁo wa khorombusi” zwi amba muraḁo a re na vhuḁifhinduleli kha zwa Gwama;
- “netshedzo” zwi amba netshedzo ifhio na ifhio ho katelwa thendara kana khotshesheni nga muthu a re ngomu kana nḁa ha Riphabuliki, kha a khunyeledza nyandano yo bulwaho kha khethekanyo 4(1)(a) ya Mulayo;
- “muofisi” zwi amba muthu o vhwaho lwa tshoṱhe, hu sa londwi uri kana, kana mbeo yo raloho ndi ya u edziswa kana hai, kha poswo yo bulwaho kha khethekanyo 8(1)(a) ya Mulayo wa Tshumelo ya Muvhuso, nahone i katela muthu o bulwaho kha khethekanyo 8(1)(b) kana 8(3)(c) ya Mulayo wonoyo; (i)
- “minista muhulwane” zwi amba minista muhulwane wa Vundu la Transifala Devhula, a tshi shuma nga u tevhedza Ndayotewa ya Riphabuliki ya Afurika Tshipembe, 1993 (Mulayo No. 200 wa 1993); (iv)
- “vundu” zwi amba Vundu la Trasifala Devhula sa zwo bulwaho kha ndayotewa;
- “ndayo” zwi amba ndayo dzo itwaho fhasi ha khethekanyo 9;
- “vhulangagwama” zwi amba vhulangagwama ha Vundu la Transifala Devhula.

TSHIPITA I

THENDABODO YA TRANSIFALA DEVHULA

U thomiwa ha Thendabodo ya Transifala Devhula

2. (1) Nga hezwi hu khou thomiwa Bodo i no ḁihwa sa Thendabodo ya Transifala Devhula.

(2) Maandḁa na mishumo i itwaho kana yo itwaho phandḁa ha deithi ya u thoma ha hoyu Mulayo nga dzithendabodo dze dza shumisa maandḁa o raloho na u ita mishumo yo raloho malugana na u wanwa ha zwiḁisedzwa na tshumelo ya, u ṱusa ndaka, na u hira kana u tendela u shumiswa ha tshifihio na tshifhio kana u wana kana u tendelwa ha pfanelo dzhifhio na dzifhio dza, kana vhuimo ha uyu Mulayo zwi sedzwe sa zwo shumiswaho kana zwo itwaho na thendabodo yo bulwaho kha khethekanyoṱhukhu (1).

Mbumbo ya Bodo

3. (1) Bodo i do vha na mirado i siho fhasi ha fumimbili nahone i sa fhiriho fumirathi ine ya do vhewa nga Khorotshitumbe ine hafu yayo zwayo ya do vha vhaofisi kana vhatholiwa.

(2) Murado wa Khorotshitumbe u do ta murado ufho na ufho wa Bodo sa mudzulaphanda na munwe-vho murado ufho na ufho sa mufarisamudzulaphanda ane a do shuma sa mudzulaphanda wa bodo musi mudzulaphanda a siho kana a sa koni u ita mishumo yawe, huno musi vhothe mudzulaphanda na mufarisamudzulaphanda vha siho mutanganoni ufho na ufho wa Bodo, mirado i re hone khawo i nga khetha muñwe wa tshivhalo tshavho u vha mudzulaphanda kha mutangano wo raloho.

(3) Hu tshi tevhelwa mbekanyelo dza khethekanyo (4) murado wa Bodo, ane a vha muofisi kana mutholiwa u do fara ofisi tshifhingani tshine zwa do takadza khorotshitumbe huno munwe-vho murado ufho na ufho u do fara ofisi tshifhingani tsha minwaha miraru.

(4) Murado kana muradomuthaduli u do bva ofisini yawe

(a) arali a litsha mushumo;

(b) arali o fhidza u vha mutanganoni mivhili yo dubekanaho ya Bodo a songo tendelwa nga yone; kana

(c) arali o pandelwa nga khorotshitumbe nga zwiitisi zwine nga kuvhonele kwa khorotshitumbe zwa mu itisa uri a si fanelwe nga u shuma kha Bodo.

(5) Malamba na magavhelo a murado wa Bodo une wa si vhe kha vhutholwa ho fhelelho ha Vundu a do sedzuluswa tshifhinga nga tshifhinga nga mirado ya Khorotshitumbe.

(6) Bodo i nga vhea murado muthihi wa u thadula wa murado mu we na munwe nga nnda ha murado wo tiwaho sa mudzulaphanda. Mirado ya u thadula a i nga do vota kha fhungo lifho na lifho li no vha li khou rerwa nahone a i nga vhumbi tshipida tsha khoramu.

(7) A huna muthu ane a do tea u vha, kana a dzula e murado kana u thadulana u vha murado wa Bodo arali e murado wa Buthano La Lushaka, Vhutendelwa-milayo, Vhusimamilayo ha Vundu kana Muvhuso-wapo.

(8) Mirado kana Mirado i thadulanaho; a i nga nnda ha musi murado onoyo o ramba madzangano a re na dzangalelo nga ndivhadzo kha Gazete ya Vundu ya u nanga vhonketheni zwo livhiswa kha khorombusi hu sa athu swika maduvha a 14 musi iyo ndivhadzo i sa athu andadziwa.

(9) Arali murado kana murado a thadulaho wa bodo a lovha kana a litsha u vha murado kana murado a thadulaho hu tshi tevhelwa zwitenwa zwa khethekanyothukhu (4), khorombusi i nga, hu tshi tevhelwa mbekanyelo dza khethekanyothuku (7) na (8) i nga khetha muthu ufho na ufho madzuloni a uyo murado kana murado u thadulaho lwa tshifhinga tshi sa gumi tsha ofisi tsha uyo murado kana uyo murado a thadulaho.

Maanda a Bodo

4. (1) Bodo i do vha na maanda i yothe a u wana zwi-disedzwa na tshumelo ya Vundu huno hu tshi tevhedzwa mbekanyelo dza muñwe-vho Mulayo ufho na ufho wa Phalamennde, u dzudzanya zwa u hira kana u tendela u shumiswa ha tshifho na tshifho kana u wana kana u tendela pfanelo ifho na ifho ya, kana vhuimoni ha Vundu, na u tusa ndaka ya Vundu, huno hu tshi itelwa zwenezwo hu nga—

- (a) vhoxwa mulanga maimoni a Vundu na muthu nga ngomu kana nnda ha Riphabuliki hu u itela u disedzwa ha zwi-nekedzwa na tshumelo kha Vundu, kana kha u hira na u tendela u shumiswa ha tshifho na tshifho kana u wana kana u tendela pfanelo ifho na ifho ya kana maimoni a Vundu kana khautusa ndaka ya Vundu;
- (b) rambiwa vhaofisi nga ndi!a ifho na ifho ine ya nga vhona yo tea huno ya ta maitele na ndila ya mashumele ane ngao netshedza dzenedzo dza do itwa, ho lavhelelwa u vhotha mulanga wo bulwaho kha phara (a).
- (c) u tola na u linga kana u itisa uri hu vhe na u tola na u linga thodea na tshumelo dzine dza itwa kana dzine dza tea u disedzwa hu tshi tevhelwa khethekanyo ya mulanga wo tendelanaho fhasi ha itshi tshiteñwa, na tshifho na tshifho tsho nekedzwaho lwa u hira.
- (d) nga nnda ha musu hu songo newa tshiitisi, u tendela kana u landula tshifhiwa tshi we na tshinwe hu u itela u bveledza mulanga wo bulwaho afho kha phara ya (a).
- (e) u dzhiya vhukando kana u ita uri hu dzhiwe vhukando hu khwa-thisedzwe mulanga kana thendelano yo swikelwaho kha tshiteñwa itshi.
- (f) hu tshi tevhelwa mbekanyo ya khethekanyothukhu ya vhuñanu (5) fhasi ha nzulele yeneyo, zwi nga itisa uri hu vhotholwe muthu mu we na muñwe we a vhothiwa nae mulanga hu tevhela mbofho ya uyo mulanga kana hu u lilisa u kundelwa ha uyo muthu kha u tevhedza uyo mulanga.
- (g) hu tshi tevhelwa mbekanyo ya khethekanyothukhu ya vhuñanu (5) kha hu dzudzanywe nyambedzano na muthu o bulwaho kha phara ya (f) kana hu khwa-thisedzwe mulanga wonoyo hu na thendelano na muthu onoyo.
- (h) hu tshi tevhedzwa mbekanyelo ya khethekanyothuku (2), nyambedzano ya nzudzanyo na muthu o bulwaho kha phara (g), kana u khwinisa pfano yo swikelwaho hu na khwa-thisedzo ya uyo muthu;

- (i) u livhisa maitele kha mihasho ya Vundu malugana na u wanala ha ndisedzo na tshumelo dza u tswiswa ha thundu i sudzulu-seaho ya; na u hira kana u tendela tshithu tshinwe na tshinwe kana u tōda kana u nea thendelo ifhio na ifhio kana wo imelela, Vundu; u itela u swikela ndivho dza uyu mulayo;
- (j) u mema vhomakone kana ngeletshedzo ya thekheniki, na u vhidza muofisiri ufhio na ufhio kana mushumeli u thusa nga vhu-koni kana ngeletshedzo ya thekheniki arali zwi tshi tendelwa lwa mulayo uri uyo muofisiri kana mushumeli a fhe ngeletshedzo i tōdiwaho nga Bodo;
- (k) u shumisa ayo manwe maanda sa zwe zwa vhekanyiswa zwone nga ndaulo fhasi ha khethekanyo 9.

(2) A huna thendelo; ndiliso, nzudzanyo kana khwiniso zwine zwa dīsa dzangalelo kha Vundu zwi dō tendelwa, kana u itwa nyambedzano, kana u itwa fhasi ha phara (g) na (h) ya khethekanyo tshukhu (1) nga thendelo ya Vhulangagwama.

(3) Thendelo ifhio na ifhio yo bulwaho kha khethekanyo tshukhu (2) i nga n̄ewa malugana ho livhiwa kha inwe pfano kana ho livhanywa na pfano dze dza swikelwa kha u wanala ha ndisedzo kana tshumelo.

(4) Nga thendelo ya murađo wa khorombusi nga tshinwe tshifhinga, na nga kha zwiitisi zwenezwo; hu tshi katelwa na zwiitisi zwi kwamaho ndiliso (arali dzi hone); arali murađo wa khorombusi a tshi nga tendela, Bodi i nga shumisa maanda afhio na afhio ane ya nga a shumisa yo imela Vundu hu tshi tevhedzwa zwitenwa zwa uyu mulayo; u itela, ho imelwa tshiimiswa tshinwe na tshinwe tsho thomiwaho nga, kana fhasi ha mulayo ufhio na ufhio.

Khorwana dza Bodo na kuavhelwe kwa maanda

5. (1) Bodo i nga kona u nanga dzikhorwana vhukati ha mirađo yayo na u ita mudzulatshidulo kha khorwana i we na in̄we.

(2) Bodo i a kona tshifhinga tshi we na tshin̄we u hwedza maanda ayo kha i we ya dzikhorwana dzayo kana kha mun̄we muthu (hu tshi katelwa murađo ufhio na ufhio wa bodo) dzangano l̄ifhio na l̄ifhio la vhathu kana muthu o faraho poswo ifhio na ifhio o tiwa nga bodo.

(3) Hei bodo ya hwedza maanda afhio na afhio fhasi ha tshitenwa tshituku tsha (2) i a kona u tendela khorwana tshigwada tsha vhathu, kana vhathu vho faraho poswo vha a kona u hwedza muthu maanda, tshigwada tsha vhathu kana muthu o faraho poswo.

(4) Muimeleli ufhio na ufhio fhasi ha khethekanyo tshukhu ya (2) kana (3) a nga d̄isendeka kha izwo zwiitisi na idzo nyiledzo sa zwine zwa dō vha zwo rekanywa nga bodo kana nga khorwana, muthu, kana tshigwada tsha vhathu, kana o faraho poswo yeneyo.

(5) Bodo a i nga do bvulwa maanda na mathihi o hwedzwaho ngayo kana fhasi ha ndangulo yayo i a kona u khwinisa kana u tusa muhumbulo ufho na ufho wa khorwana, muthu, tshigwada tsha vhathu kana mufari wa poso ifho na ifho kana u tusa muhumbulo ufho na ufho zwo livhanywa na kha khethekanyo thukhu ya (6).

(6) Khorwana ifho na ifho, muthu, tshigwada tsha vhathu kana vha-fari vha poswo vha do bvulwa maanda e vha hwedzwa ngayo kana ngae ya dovha hafu ya khwinisa kana u tusa muhumbulo ufho na ufho wo itwaho nga ayo maanda.

(7) He maanda a hwedzwa mufari wa poswo hayo maanda a nga shumiswa nga muthu lwa tshifhinganyana, ane a khou ita mushumo we wa lumbama na poswo yawe.

Mahumbulwa a Bodo

6. (1) A huna na muhumbulo na muthihi wa bodo une wa do dzhielwa fhasi nga nthani ha muhumbulo wa murafo muthihi wayo kana ngauri uyo o vha a songo tea u vha murafo musi muhumbulo uyo u tshi dzhiwa arali muhumbulo wo dzhiwa nga vhunzhi ha vhathu vhe vha vha vha hone uyo musi vhane vha vha mirafo.

(2) Khoru ya tsengo (khothe) i do vha na maanda a u hatula yo disendeka kha mihumbulo iyo i do dzhiwa yo fhelela lune a huna murafo wa khabinete kana wa vhusimamilayo kana tshinwe tshipida tsha Vundu kana munwe muthu ane a do dzhenelela kha mihumbulo ya Phethwaho na kushumele kwa bodo.

(3) Musi bodo yo rambiwa, zwifhiwadzimu zwi a disiwa u itela u ita mulanga we wa bulwa kha: Khethekanyo ya 4(1)(a) tsha mulayo

(a) bodo a i nga do diimisela u tangedza zwitukutuku kana tshifhiwa-dzimu tshifho na tshifho.

(b) arali tshifhiwa-dzimu tshi tshi elana na aitheme dzi fhiraho nthihi, bodo i do tangedza itsho tshifhiwa-dzimu zwi tshi elana na idzo aitheme.

(4) Muhombulwa a bodo a do fhirisedzelwa kha vhathu nga vhaofisi vho teaho na vhashumeli vho tholwaho hu tshi tevhelwa tshitenwa tsha mulayo tsha 8.

TSHIPIDA TSHA II

NZUDZANYO DZO FHAMBANAHO

Tshinyalelo

7. Tshinyalelo dzothe dze dza vhangiswa musi hu tshi khou itwa mishumo ya bodo i do lifhelwa nga tshede yo dzudzanyelwaho uyo mushumo nga phalamennde zwo disendeka kha nzudzanyo ya mulayo kana nyandano yo swikelwaho

Kushumele kwa ndaulo

8. (1) Mishumo yothe ya ndaulo i patelaho u badelwa ha masheleni na u a tangedza zwi elenaho na kushumele kwa bodo, zwi do itwa nga vhaofisi na vatholwa vho tetselwaho izwo nga Mulandu Muhulu wa zwa Gwama.

(2) Mudzulatshidulo wa bodo, kana muwe muthu o nangiwo nga bodo u do kona u shuma manwalwa othe o imela bodo.

Ndaulo

9. (1) Murafo wa khorotshitumbe a nga ita milayo.

- (a) une wa sumbedza kushumisele kwa ndaka ya muvhuso.
- (b) malugana na thambo ya thendere.
- (c) malugana na zwothe zwine a vhona zwi zwa ndeme malugana na kudzudzanye kha u bveledza ndivho ya mulayo uyu.

(2) Naho hu nga vha na tshifhio na tshifhio tshi hanedzanaho na zwi rengomu mulayoni, na zwifhio zwi re fhasi ha khethekanyo thukhu ya (1) kha u zwi khakhulula, bodo i do nea tshigwevho tsha mbadelo nga tshede, yo gaganyiwa hu tshi tevhelwa zwo bulwaho kha khethekanyo thukhu iyo, kana na muthu we bodo ya vhotha nae mulanga yo imela Vundu, onoyo muthu a wana uri zwo khakhea, u a kona u amba zwauri mbadelo dza tshigwevho itsho i nga itwa hani.

Bodongeletshedzi:

10. Bodo i fanela u eletshedza Murafo a re na vhudifhinduleli nga hezwi:

- (a) u pfumbisa mutatisano wo dalaho, wa nnyi na nnyi une wa nga wanala;
- (b) u thomiwa ha dzipholisi, matshimbidzele na maitele u vhona uri hu wanale ha todea tshifhingani tshine tsha nga wanala nga mutengo une wa nga konadzea wa fhasisa, u fhungudza vhuwura na tshinyalelo kha vhuwanali na u fhungudza u tadekana hu sa todei kana u dovhola mishumo na nungo;
- (c) u vuledza zwi fanaho zwihulu na vhuleludzi kha vhuwanali;
- (d) u pfumbisa ekhonomi, vhukoni na vupfiwa kha vhuwanali;
- (e) u fhungudza zwithithisi zwa vhuwanali vunduni na dziindasitiri dzinwe-vho, fhethu kana mishumo;
- (f) u khwinisa u pfesesa pholisi ya vhuwanali vunduni na matshimbidzele nga mu we na muwe ane a kwamiwa nga vhuwanali vunduni siani la nnyi na nnyi na la phuraivete;
- (g) u pfumbisa tshumisano mbuya na vhushaka ha nyqano vhu-kati ha mahoro na vhoradzikontiraka vha vundu; na
- (h) mafhungo afhio na afhio ane a elana na vhuwanali vunduni.

U thuthiwa ha milayo

11. (1) Milayo yo bulwaho kha shedule i khou thuthwa u swikela kha zwe zwa vheiswa zwone kha tshiga tsha vhuraru tsha skedule.

(2) U swikela musi muraḁo wa khorotshitumbe a tshi ita mulayo fhasi ha khethekanyo ya 9. Mulayo une wa khou shuma fhedzi u tshi wela fhasi ha mulayo wo Thuthwaho nga khethekanyo thukhu ya (1) ya iyi khethekanyo (U ḁo dzhiwa sa mulayo une u kha ḁi vha hone) naho zwa tou itisa hani malugana na u thuthiwa ha mulayo arali uyo mulayo u kha ḁi tendelwa a huna tshine tsha nga shandula uyo mulayo, u a ḁi ya wa ḁi ya phanda na u shuma, tenda musi muraḁo wa khorotshitumbe a tshi khou ita mu we mulayo malugana na zwinwe zwithu zwi elanaho na khethekanyo 9, itsho tshipiḁa tsha mulayo tsho itwaho nga muraḁo wa khorotshitumbe tshi to dzhiwa tsho tuswa (bviswa).

Dzina Lipfufhi na mathomo

12. Uyu Mulayo u ḁo pfi ndi mulayo wa **Thenda-Bodo wa Transfala Devhula wa, 1994**, u ḁo thoma u shuma nga deiḁi ine ya ḁo vhewa nga Phirimia nga ndivhadzo kha *Gazete*, ya Vundu.

MUENGEDZO

Nomboro na ḁwaha wa Mulayo	Dzina lipfufhi	Tshikhala tsho thuthwaho
Mulayo wa 3 wa 1975.....	Mulayo wa Thendabodo ya Lebowa wa 1975	Woḁhe
Mulayo wa 3 wa 1985.....	Mulayo wa Khwiniso wa Thendabodo ya Lebowa wa 1982	Woḁhe
Mulayo wa 8 wa 1982.....	Mulayo wa Thendabodo wa Gazankulu wa 1982	Woḁhe
Mulayo wa 8 wa 1968.....	Mulayo wa Thendabodo ya Muvhuso wa 1968	Woḁhe
Mulayo wa 9 wa 1982.....	Mulayo wa Thendabodo wa Muvhuso wa 1982	Woḁhe