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PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 2

23 April 1998

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

No. 5 of 1997: Northern Province Road Traffic Act, 1997.

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NORTHERN PROVINCE ROAD TRAFFIC ACT

Act No. 2, 1998

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ACT

To consolidate and amend the provisions relating to road traffic which should apply in this Province, and to provide for matters connected therewith

(English text signed by the Premier)
(Assented to on 21 January 1998)

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

Definitions

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

“authorized officer” means an inspector of licences, examiner of vehicles, examiner for driving licences or a traffic officer, and includes any other person whom the MEC may from time to time by regulation declare to be an authorised officer;

“by-law” means a by-law contemplated in section 26;

“Director-General” means the Director-General of the Administration of the Northern Province;

“examiner for driving licences” means an examiner for driving licences registered and appointed in terms of Chapter I;

“examiner of vehicles” means an examiner of vehicles registered and appointed in terms of Chapter I;

“inspector of licences” means an inspector of licences appointed in terms of Chapter I;

“instructor” means any person who for direct or indirect reward—

- (a) instructs any other person in the driving of a motor vehicle;
- (b) teaches any other person the rules of the road or road traffic signs in order to obtain a learner's or a driving licence;

“MEC” means the member of the Executive Council appointed in terms of section 149 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to whom road traffic matters have been assigned;

“Medical practitioner” means any person registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

"National Road Traffic Act, 1996" includes the regulations made under that Act;

"Minister" means the Minister of Transport in the National Government;

"Premier" means the Premier of the province elected in terms of section 145 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

"prescribe" means prescribe by regulation;

"province" means the Northern Province established in terms of section 124 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

"registering authority" means a registering authority appointed under section 2;

"regulation" means a regulation (other than a by-law) made under this Act;

"testing station" means a testing station registered in terms of section 39 of the National Road Traffic Act, 1996;

"this Act" includes the regulations, and for purposes of Chapters I, II and III of this Act also includes the National Road Traffic Act, 1996, and the regulations made under this Act;

"traffic officer" means a traffic officer appointed under Chapter I and any member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), and for the purposes of Chapters III and IV and sections 22 and 29 of this Act includes a peace officer;

"traffic warden" means a traffic warden appointed under Chapter I.

(2) Any word or expression defined in the National Road Traffic Act, 1996, but not defined in subsection (1), shall, unless the context otherwise indicates, bear the same meaning as the meaning assigned to it in the National Road Traffic Act, 1996.

CHAPTER I

REGISTERING AUTHORITIES AND OFFICERS

Appointment of registering authorities

2. (1) For the purposes of this Act, the MEC shall, by notice in the *Provincial Gazette*, appoint a registering authority for such area and upon such conditions as he or she may determine from time to time.

(2) The MEC may combine the area of any registering authority or any portion thereof with the area of another registering authority and may divide the area of a registering authority into areas for two or more registering authorities.

(3) Where, from or after a specific date, a registering authority (in this subsection referred to as a new registering authority) becomes the registering authority for an area previously under the jurisdiction of another registering authority (including a registering authority appointed under a repealed ordinance) any reference in this Act or a repealed ordinance to such other registering authority shall, from or after such date, be constructed as a reference to such new registering authority.

(4) The powers and duties conferred or imposed upon a registering authority by or under this Act shall be exercised or performed on behalf of that registering authority by such persons as may be authorised thereto by the registering authority.

Appointment of officers

3. (1) For the purposes of this Act—

- (a) the MEC may, subject to the laws governing the Public Service and upon such conditions as he or she may determine, appoint for the province as many persons as—
 - (i) inspectors of licences;
 - (ii) examiners of vehicles;
 - (iii) examiners for driving licences;
 - (iv) traffic officers; and
 - (v) traffic wardens,as he or she may deem expedient;
- (b) a local authority which is a registering authority may, upon such conditions as the MEC may prescribe by notice in the *Provincial Gazette*, appoint for its area so many persons as—
 - (i) inspectors of licences;
 - (ii) examiners of vehicles; and
 - (iii) examiners for driving licences,as it may deem expedient;
- (c) any local authority or two or more local authorities may jointly, upon such conditions as the MEC may prescribe by notice in the *Provincial Gazette*, appoint for its area or for their areas jointly, as the case may be, so many persons as traffic officers or reserve traffic officers as such authority or authorities may deem expedient, and such officers shall function—
 - (i) within such area or areas; and

- (ii) with the prior approval of the MEC and subject to the conditions of such approval, outside such area or areas:

Provided that the MEC may, by notice in the *Provincial Gazette*, exclude such officers from functioning on any specified public road or portion thereof which is situated within the area of jurisdiction of a local authority;

- (d) any local authority may appoint persons as traffic wardens or as reserve traffic wardens to exercise or perform within its area such powers and duties of a traffic officer as the MEC may determine: Provided that the MEC may—
 - (i) make different determinations in respect of different categories of traffic wardens; and
 - (ii) either generally or specifically, impose conditions with regard to the exercise or performance of such powers and duties;
- (e) any person or authority determined by the MEC by notice in the *Provincial Gazette*, may, on such conditions and for such areas as may be determined in the notice, appoint any person as an examiner of vehicles.

(2) No person shall be appointed in terms of subsection (1) as an authorized officer unless he or she has been registered and graded in terms of section 5.

(3) Any person appointed under subsection (1) as an authorised officer, shall upon his or her appointment be issued with a certificate of appointment by the MEC, local authority, person or authority concerned, appointing him or her.

(4) (a) An authorised officer shall not exercise any power or perform any duty unless he or she is in possession of his or her certificate of appointment.

(b) An authorised officer shall produce his or her certificate of appointment at the request of any person having a material interest in the matter concerned.

Application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer

4. (1) A person desiring to be registered as—
- (a) an inspector of licences;
 - (b) an examiner of vehicles;
 - (c) an examiner for driving licences;
 - (d) a traffic officer;

(e) reserve traffic officer;

(f) traffic warden,

shall apply therefor to the MEC in the prescribed manner.

(2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

Registration and grading of officers

5. (1) If the MEC is satisfied that an applicant contemplated in section 4 complies with the requirements for competency and registration as referred to in section 3(2) of the National Road Traffic Act, 1996, prescribed in relation to the specific category of application, he or she shall register and grade such applicant in the prescribed manner.

(2) Any person registered as an authorised officer in any other province shall be deemed to be registered as an authorised officer in this province.

Suspension and withdrawal of registration of officer

6. (1) The MEC concerned may suspend or cancel the registration of a person registered in terms of section 5(1) in the prescribed manner, for such period as he or she may deem fit, if—

(a) in the opinion of the MEC such person is guilty of misconduct in the exercise of his or her powers or the performance of his or her duties; or

(b) in the opinion of the MEC the performance record of such person indicates that he or she is unsuitable for the exercise of the powers or performance of the duties of an officer of the category in which he or she is registered.

(2) The registration of a person referred to in subsection (1) may only be suspended or cancelled after such person had the opportunity to make representations in writing and to show cause, within the period defined by the MEC which period shall not be less than 21 days, why the registration should not be suspended or cancelled.

(3) Any person affected by the decision of the MEC referred to in subsection (2) may, within 21 days after he or she became aware of the decision, request the MEC to give reasons in writing for his or her decision.

(4) If the registration of any person is suspended or cancelled in terms of this section that person shall forthwith return his or her registration document to the MEC concerned who shall keep such document for the period of suspension, or cancel such document, as the case may be.

Powers and duties of inspector of licences

7. In addition to the powers and duties conferred upon him or her by or under this Act an inspector of licences may, subject to the provisions of this Act or any other law—

- (a) by notice in writing as prescribed, direct the owner, operator, driver or person in charge of any vehicle, wherever found, which in his or her opinion does not comply with the requirements for roadworthiness certification provided for in this Act or in any other law, to produce such vehicle for inspection, examination or testing to an appropriately graded testing station for such class of vehicle at a time and place specified in such notice;
- (b) in respect of any motor vehicle, demand from the title holder, owner or operator thereof the production of any document required from such person in respect of that motor vehicle in terms of this Act, or any like document issued by a competent authority outside the Republic;
- (c) require from any instructor—
 - (i) where such instructor is engaged in teaching or instructing another person in the driving of a motor vehicle, forthwith; or
 - (ii) where such instructor is not so engaged, within seven days;
to produce evidence of his or her registration;
- (d) examine any motor vehicle in order to satisfy himself or herself whether it is the motor vehicle in respect of which a document referred to in paragraph (b) was issued;
- (e) impound any document referred to in paragraph (b) which appears to be or which officer suspects to be invalid or which has been or appears to have been unlawfully altered or defaced or which is being put to unlawful use, and where any document is so impounded, the inspector shall issue a receipt in respect thereof to the person concerned;
- (f) require the owner, operator, driver or person in charge of any vehicle forthwith to furnish his or her name and address, and give any other particulars required as to his or her identification, and where applicable, immediately to produce a professional driving permit;
- (g) demand from any persons immediately to produce a licence or any other prescribed authorization authorizing him or her to drive a motor vehicle, and to produce any other document which he or she is required to have in respect of any motor vehicle in terms of this Act;

- (h) impound any licence or document produced to him or her in terms of paragraph (g) which in his or her opinion may afford evidence of a contravention or evasion of any provision of this Act, and where any licence or document is so impounded, the inspector shall issue a receipt in respect thereof to the person concerned;
- (i) require any person, whether or not such person is in any vehicle, to furnish his or her name and address and to give any other particulars required as to his or her identification, as well as such information as is within his or her power to furnish and which may lead to the identification of the owner, operator or driver of such vehicle;
- (j) require any person to furnish him or her with any information as is within the power of such person to furnish and which may lead to the identification of the driver, owner, operator or person in charge of a vehicle at any time or during any period; or
- (k) at any reasonable time, having regard to the circumstances of the case, without prior notice, and in the exercise of any power or the performance of any duty which in terms of this Act he or she is authorized or required to exercise or perform, enter any premises on which he or she has reason to believe that any vehicle is kept.

Powers and duties of examiner of vehicles

8. (1) An examiner of vehicles may inspect, examine and test any vehicle in order to determine whether it is roadworthy and for that purpose may dismantle the vehicle or any part thereof or its equipment or accessories: Provided that he or she shall reassemble any vehicle so dismantled unless he or she is requested by the person in charge of the vehicle not to do so.

(2) An examiner of vehicles may drive any vehicle when necessary in the performance of his or her duties, if, in the case of a motor vehicle, he or she is licensed to drive a motor vehicle of the class concerned: Provided that in the case of a physically disabled person the examiner of vehicles may request the holder of an appropriate driving licence to drive the vehicle adapted for physically disabled persons subject to his or her instruction and in his or her presence.

Powers and duties of examiner for driving licences

9. (1) An examiner for driving licences shall test any applicant for a learner's licence or driving licence in the manner and in regard to the matters as prescribed by the National Road Traffic Act, 1996, in order to determine whether such applicant is fit and competent to obtain a learner's or driving licence for the class of vehicle for which he or she applies.

(2) No examiner for driving licences shall test an applicant for a driving licence in terms of the National Road Traffic Act, 1996, unless such examiner himself or herself is licensed to drive a vehicle of the class for which the applicant applies to obtain a driving licence or of the class as prescribed.

Powers and duties of traffic officer

10. In addition to the powers and duties conferred upon him or her elsewhere in this Act, a traffic officer may, subject to the provisions of this Act and any other law—

- (a) exercise or perform any of the powers or duties conferred upon an inspector of licences in terms of section 7;
- (b) when in uniform, require the driver of any vehicle to stop such vehicle;
- (c) inspect, test or cause to be inspected and tested by a person whom he or she considers competent to do so, any part and the functioning of any vehicle, and the equipment thereof, with a view to ascertaining whether such vehicle or the functioning thereof and the equipment comply with the provisions of the National Road Traffic Act, 1996: Provided that no such officer or person instructed by such officer to inspect or test such vehicle shall, in the exercise of the authority hereby conferred upon him or her, dismantle the mechanism or any working parts of any motor vehicle unless he or she is also a qualified motor mechanic or has passed an examination for examiners of vehicles as prescribed, and if he or she has so dismantled such vehicle, he or she shall reassemble the dismantled mechanism or parts unless he or she is requested by the person in charge of the vehicle not to do so;
- (d) ascertain the dimensions of the load on, or the mass, axle mass load or axle unit mass load of, any vehicle, or the mass of any combination of vehicles, laden or unladen, and, if necessary for the purposes of ascertaining such mass, require any vehicle or combination of vehicles to proceed to a massmeter or mass-measuring device, and if the mass of any vehicle or combination of vehicles exceeds the mass allowed in terms of the National Road Traffic Act, 1996, prohibit the operation of such vehicle or combination of vehicles on a public road until such mass has been reduced or adjusted to comply with this Act: Provided that where the load on a vehicle includes any hazardous substance as contemplated in the Hazardous Substances Act, 1973 (Act No. 15 of 1973), the reduction and handling of the mass shall be undertaken in terms of that Act;

- (e) drive any vehicle when necessary in the performance of his or her duties if, in the case of any motor vehicle, he or she is licensed to drive a motor vehicle of the class concerned;
- (f) if any person, being the driver or apparently in charge of a vehicle, appears to such officer, by reason of his or her physical or mental condition, howsoever arising, to be incapable for the time being of driving or being in charge of such vehicle, temporarily forbid such person to continue to drive or be in charge of such vehicle and make such arrangements for the safe disposal or placing of the vehicle as in his or her opinion may be necessary or desirable in the circumstances;
- (g) regulate and control traffic upon any public road, and give such directions as may, in his or her opinion, be necessary for the safe and efficient regulation of the traffic, which may include the closing of any public road, and, where he or she is of the opinion that the driver of a motor vehicle is hampering or impeding the normal flow of traffic on a public road, direct the driver to remove the vehicle from such road and to follow another route with the vehicle.
- (h) require any person to furnish his or her name and address and give any other particulars which are required for his or her identification or for any process if such officer reasonably suspects such person of having committed an offence under this Act or if in the opinion of such officer he or she is able to give evidence in regard to the commission or suspected commission of any such offence;
- (i) in respect of any motor vehicle, demand from the owner, operator or driver thereof to produce any document prescribed in terms of this Act;
- (j) impound any document referred to in paragraph (i) produced to him or her and which in his or her opinion may afford evidence of a contravention of or failure to comply with any provision of this Act and where any document is so impounded, the traffic officer shall issue a receipt therefor to the person concerned;
- (k) require any professional driver or the operator or owner of any motor vehicle to produce for inspection and to have a copy made of—
 - (i) any record or document which that person is required in terms of this Act to carry or have in his or her possession or which is required to be affixed to any such motor vehicle; or
 - (ii) any record which that person is required in terms of this Act to preserve;

- (l) at any time enter any motor vehicle of an operator and inspect such vehicle;
- (m) at any time enter upon any premises on which he or she has reason to believe that a motor vehicle of an operator is kept or that any record or other document required to be kept in terms of this Act are to be found, and inspect such vehicle, and inspect and copy any such record or document, which he or she finds there,
- (n) if he or she has reason to believe that an offence under this Act has been committed in respect of any record or document inspected by him or her, impound that record or document inspected by him or her, and where any document is so impounded, the traffic officer shall issue a receipt therefor to the person concerned;
- (o) inspect any motor vehicle or part thereof and impound any document issued in connection with the registration and licensing of such motor vehicle which relates to such motor vehicle, where it is found that the engine or chassis number of such motor vehicle differs from the engine or chassis number as specified on the document, and direct that such motor vehicle be taken, forthwith, to any police station specified by such traffic officer for police clearance, and may, after such clearance has been obtained, return the impounded document to any person who is entitled thereto, or notify the owner of the motor vehicle concerned that such vehicle must be re-registered, as the case may be; and
- (p) require from the owner, operator or driver of a motor vehicle registered or deemed to be registered in any prescribed territory, police clearance in respect of such motor vehicle before allowing that motor vehicle to be taken across the borders of the Republic: Provided that the MEC may exempt any owner, operator or driver in the prescribed manner from having to provide such police clearance.

Failure to comply with instruction or direction of inspector of licences, traffic officer, examiner of vehicles or peace officer

11. (1) No person shall—

- (a) fail to comply with any instruction or direction given to him or her by an inspector of licences, traffic officer or examiner of vehicles, or obstruct, hinder or interfere with any inspector of licences, traffic officer or examiner of vehicles in the exercise of any power of the performance of any duty under this Act;

- (b) fail to comply with any instruction or direction given to him or her by a peace officer, or obstruct, hinder or interfere with any peace officer in the exercise of any power relating to a provision of this Act assigned to him under section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (c) in order to compel any person referred to in paragraph (a) or (b) to perform or to abstain from performing any act in respect of the exercise of his or her powers or the performance of his or her duties, or an account of such person having performed or abstained from performing such an act, threaten or suggest the use of violence against or restraint upon such person or any of his or her relatives or dependants, or threaten or suggest any injury to the property of such person or of any of his or her relatives or dependants.

(2) Whenever the production of any document which is not required to be affixed to a vehicle or to be kept with him or her in a vehicle by any person is demanded in terms of sections 7(b) or 10(i), the production thereof at any police station or office set aside by a competent authority for use by a traffic officer or peace officer, within a period of seven days after being so demanded, shall be deemed to be sufficient compliance with the demand.

(3) Whenever any document is produced in terms of subsection (2) at any police station or office referred to in that subsection, the officer in charge of such police station or office so set aside shall forthwith notify accordingly the officer who made the demand concerned and shall issue an acknowledgment of production of such document to the person producing it.

(4) Where a document is not produced in terms of subsection (2) and any process is to be handed to or served upon a person in terms of section 54, 56, 72 or 341 of the Criminal Procedure Act, 1977, an inspector of licences, traffic officer or peace officer may require the imprint of the left thumb of the person to whom the process relates on such process, and such person shall be obliged to furnish such imprint in the manner and at the place or places on that document and copies thereof as directed by the inspector, officer or examiner concerned: Provided that if it is not possible to obtain the left thumb print of such person, the imprint of any other finger may be required, in which case the finger thus used shall be identified in writing by the inspector, officer or examiner concerned under each imprint of such finger.

Impersonating authorized officer or peace officer or inducing any such officer to forsake his or her duty

12. (1) Any person not being an authorized officer or a peace officer shall not by word, conduct or demeanour, pretend that he or she is an authorized officer or a peace officer.

(2) No person shall connive with or induce or attempt to induce any authorized officer or peace officer to omit to carry out his or her duty or to commit an act in conflict with his or her duty.

CHAPTER II

INSTRUCTORS

Instructor to be registered and graded

13. (1) No person shall act as an instructor unless he or she is registered and graded in terms of section 15.

(2) No person shall employ any other person as an instructor, or make use of his or her services as an instructor, unless such person is registered as an instructor in terms of section 15.

Application for registration as instructor

14. (1) A person desiring to be registered as an instructor shall apply therefor to the MEC in the prescribed manner.

(2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

Registration and grading of instructors

15. (1) If the MEC is satisfied that an applicant referred to in section 14 fulfils the competency and grading qualifications as prescribed pertaining to the specific category of application, he or she shall register and grade such applicant in the prescribed manner.

Suspension and cancellation of registration of instructor

16. (1) The MEC may in the prescribed manner suspend for such period as he or she may deem fit, or cancel, the registration of an instructor if such instructor—

- (a) in the opinion of the MEC is guilty of misconduct in the exercise of his or her powers or the performance of his or her duties; or
- (b) failed to attend an appropriate refresher course at a training centre approved by the MEC within a prescribed period.

CHAPTER III

INSPECTORATE OF TESTING STATIONS AND DRIVING LICENCE TESTING CENTRES

Appointment of inspectorate of testing stations

17. (1) The MEC shall designate a person, authority or organization as provincial inspectorate of testing stations.

- (b) fail to comply with any instruction or direction given to him or her by a peace officer, or obstruct, hinder or interfere with any peace officer in the exercise of any power relating to a provision of this Act assigned to him under section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (c) in order to compel any person referred to in paragraph (a) or (b) to perform or to abstain from performing any act in respect of the exercise of his or her powers or the performance of his or her duties, or an account of such person having performed or abstained from performing such an act, threaten or suggest the use of violence against or restraint upon such person or any of his or her relatives or dependants, or threaten or suggest any injury to the property of such person or of any of his or her relatives or dependants.

(2) Whenever the production of any document which is not required to be affixed to a vehicle or to be kept with him or her in a vehicle by any person is demanded in terms of sections 7(b) or 10(i), the production thereof at any police station or office set aside by a competent authority for use by a traffic officer or peace officer, within a period of seven days after being so demanded, shall be deemed to be sufficient compliance with the demand.

(3) Whenever any document is produced in terms of subsection (2) at any police station or office referred to in that subsection, the officer in charge of such police station or office so set aside shall forthwith notify accordingly the officer who made the demand concerned and shall issue an acknowledgment of production of such document to the person producing it.

(4) Where a document is not produced in terms of subsection (2) and any process is to be handed to or served upon a person in terms of section 54, 56, 72 or 341 of the Criminal Procedure Act, 1977, an inspector of licences, traffic officer or peace officer may require the imprint of the left thumb of the person to whom the process relates on such process, and such person shall be obliged to furnish such imprint in the manner and at the place or places on that document and copies thereof as directed by the inspector, officer or examiner concerned: Provided that if it is not possible to obtain the left thumb print of such person, the imprint of any other finger may be required, in which case the finger thus used shall be identified in writing by the inspector, officer or examiner concerned under each imprint of such finger.

Impersonating authorized officer or peace officer or inducing any such officer to forsake his or her duty

12. (1) Any person not being an authorized officer or a peace officer shall not by word, conduct or demeanour, pretend that he or she is an authorized officer or a peace officer.

(2) No person shall connive with or induce or attempt to induce any authorized officer or peace officer to omit to carry out his or her duty or to commit an act in conflict with his or her duty.

CHAPTER II

INSTRUCTORS

Instructor to be registered and graded

13. (1) No person shall act as an instructor unless he or she is registered and graded in terms of section 15.

(2) No person shall employ any other person as an instructor, or make use of his or her services as an instructor, unless such person is registered as an instructor in terms of section 15.

Application for registration as instructor

14. (1) A person desiring to be registered as an instructor shall apply therefor to the MEC in the prescribed manner.

(2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

Registration and grading of instructors

15. (1) If the MEC is satisfied that an applicant referred to in section 14 fulfils the competency and grading qualifications as prescribed pertaining to the specific category of application, he or she shall register and grade such applicant in the prescribed manner.

Suspension and cancellation of registration of instructor

16. (1) The MEC may in the prescribed manner suspend for such period as he or she may deem fit, or cancel, the registration of an instructor if such instructor—

- (a) in the opinion of the MEC is guilty of misconduct in the exercise of his or her powers or the performance of his or her duties; or
- (b) failed to attend an appropriate refresher course at a training centre approved by the MEC within a prescribed period.

CHAPTER III

INSPECTORATE OF TESTING STATIONS AND DRIVING LICENCE TESTING CENTRES

Appointment of inspectorate of testing stations

17. (1) The MEC shall designate a person, authority or organization as provincial inspectorate of testing stations.

(2) The powers and duties of the said inspectorate of testing stations in relation to the inspection and the control of standards, grading and functioning of testing stations shall be as prescribed.

(3) The MEC may, in order to defray the expenditure incurred by or on behalf of the said inspectorate for the purposes of performing its functions, prescribe fees to be paid in respect of every examination conducted or test carried out regarding the roadworthiness of a motor vehicle.

Appointment of inspectorate of driving licence testing centres

18. (1) The MEC shall designate a person, an authority or an organization as provincial inspectorate of driving licence testing centres.

(2) The powers and duties of the inspectorate in relation to the inspection and the control of standards, grading and functioning of driving licence testing centres shall be as prescribed.

(3) The MEC may, in order to defray the expenditure incurred by or on behalf of the said inspectorate for the purposes of performing its functions, prescribe fees to be paid in respect of inspections carried out in terms of this section.

CHAPTER IV

PARKING FEES

Power of local authority to collect parking fees

19. (1) A local authority may, by resolution and for the purposes mentioned in subsection (3)(a), charge fees in respect of the parking of vehicles on any public road or section thereof within its area of jurisdiction.

(2) The fees referred to in subsection (1) may differ in respect of different public roads or different sections of the same public road.

(3) (a) If a parking meter is installed for the purpose of collecting fees or with a view to controlling traffic it shall be installed in conjunction with a demarcated parking bay or bays and shall bear thereon a legend indicating the days and hours when payment shall be made for parking and the amount payable for a specific period of parking.

(b) If any method other than a parking meter is used to collect the fees referred to in subsection (1), provision shall be made for a sign to be displayed at the parking area concerned indicating the days and hours when payment shall be made for parking, the amount payable for a specific period of parking and the manner of payment for a specific period of parking.

(4) (a) The period of time for which a vehicle may be lawfully parked in a parking bay referred to in subsection (3)(a), shall, unless the contrary is proved, be as measured by the parking meter for such bay.

(b) If any method other than a parking meter is used to collect the fees referred to in subsection (1) the period of time for which a vehicle may be lawfully parked in a parking area referred to in subsection (3)(b), shall, unless the contrary is proved, be as measured by means of the method concerned in respect of the vehicle concerned.

(5) Any local authority may establish upon a public road within the area of its jurisdiction ranks or stands (to be known as special parking places) for the parking of passenger-carrying motor vehicles or any class of such vehicles as prescribed, and may make by-laws for the regulation and control of the use of those special parking places—

- (a) to provide for the issue of permits allocating particular special parking places or subdivisions thereof to particular persons or vehicles for their exclusive use;
- (b) to prohibit the use of any special parking place or subdivision so allocated by any other person or vehicle;
- (c) to charge fees in respect of the use of special parking places; and
- (d) to provide for matters incidental thereto:

Provided that provisions may be made in any permit or in any renewal thereof for the limitation of the hours during which the holder shall have the exclusive use of a particular special parking place and during which the use thereof by any other person or vehicle is prohibited.

(6) In the first allocation of any special parking place or subdivision referred to in subsection (5), the local authority shall as far as possible have regard to the length of time during which the applicant therefor has been engaged in the business of transporting passengers for reward by the class of vehicle concerned.

(7) By-laws made in terms of subsection (5) shall provide for the annual renewal, subject to the good conduct of the applicant, of the right to use any such special parking place or subdivision thereof.

(8) All fees collected by a local authority by means of a parking meter, or in respect of any parking area or special parking place as contemplated in this section, shall, except with the approval of the MEC concerned, be used only to defray the cost of, and incidental to, any scheme, work or undertaking for the improvement or regulation of traffic conditions within the area of such local authority, including the costs of installing and maintaining any such parking meter, parking area or special parking place.

(9) The exercise by a local authority of its powers under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle or the contents or fittings of any such vehicle while such vehicle is in a parking bay, parking area or special parking place.

CHAPTER V

PRESUMPTIONS AND LEGAL PROCEDURE

Presumption in regard to public road, freeway and public road in urban area

20. (1) Where in any prosecution under this Act it is alleged that an offence was committed on a public road, the road concerned shall, until the contrary is proved, be presumed to be a public road.

(2) Where in any prosecution under this Act it is alleged that an offence was committed on a freeway, the road concerned shall, until the contrary is proved, be deemed to be a freeway.

(3) Where in any prosecution under this Act it is alleged that an offence was committed on a public road in an urban area, the road concerned shall, until the contrary is proved, be presumed to be a public road in an urban area.

Presumption that owner drove or parked vehicle

21. (1) Where in any prosecution under this Act, it is material to prove who was the driver of a vehicle, it shall be presumed, until the contrary is proved, that such vehicle was driven by the owner thereof.

(2) Whenever a vehicle is parked in contravention of any provision of this Act or a by-law made thereunder, it shall be presumed, until the contrary is proved, that such vehicle was parked by the owner thereof.

(3) For the purposes of subsections (1) and (2) it shall be presumed, until the contrary is proved, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in those subsections, by a director or servant of the corporate body in the exercise of his or her powers or in the performance of his or her duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.

Presumption in regard to officers

22. In any prosecution under any of the provisions of this Act, the fact that any person purports to act or has purported to act as a traffic officer or an inspector of licences, examiner of vehicles or examiner for driving licences, shall be *prima facie* evidence of his or her appointment and authority so to act: Provided that the provisions of this section shall not apply with regard to a prosecution on a charge relating to impersonation.

CHAPTER VI

APPEALS

Right of appeal to Premier

23. (1) Any person, department of State or registering authority who or which is aggrieved—

- (a) at the refusal of the MEC to register or grade him, her or it, as the case may be, in any capacity mentioned in the definition of authorized officer, or as driving licence testing centre, or as a testing station, or as an instructor;
- (b) with the suspension or cancellation of any such registration or grading; or
- (c) at any other decision of the MEC regarding the activities of an operator,

may within 21 days after such refusal, suspension or cancellation, or decision in writing lodge an appeal to the Premier against such refusal, suspension or cancellation, or decision, and such person, department of State or registering authority shall at the same time serve a copy of the appeal on the MEC.

(2) After receipt of the copy of the appeal referred to in subsection (1), the MEC shall forthwith furnish the Premier with his, her or its reasons for the refusal, suspension or cancellation, or decision to which any such appeal refers.

(3) The Premier may after considering an appeal in terms of subsection (1), give such decision as he or she may deem fit.

(4) An appeal referred to in subsection (1) includes an appeal against any refusal suspension or cancellation, or decision of the MEC relating to the National Road Traffic Act, 1996.

Right of appeal to MEC

24. (1) Any person who is aggrieved at the refusal of an examiner for driving licences to issue or authorize the issue to him or her of a learner's or driving licence, may, within 21 days after such refusal, in writing appeal to the MEC of the province in which that examiner was appointed as such, and such person shall at the same time serve a copy of the appeal on the examiner concerned.

(2) Any person who is aggrieved at the refusal of an examiner of vehicles or a testing station to issue a roadworthy certificate in respect of a motor vehicle to or authorize the issue of such certificate to him or her, or at the conditions subject to which such certificate was issued to him or her, may, within 21 days after such refusal or after the issue of the certificate subject to the conditions concerned, in writing appeal against any such refusal or conditions concerned to the MEC of the province in which

that examiner was appointed as such or that testing station is registered, and such person shall at the same time serve a copy of the appeal on the examiner or the testing station concerned.

(3) After receipt of the copy of the appeal referred to in subsections (1) and (2), the examiner for driving licences or the examiner of vehicles, as the case may be, shall forthwith furnish the MEC with his or her reasons for the refusal to which such appeal refers.

(4) For the purpose of deciding an appeal in terms of subsection (1), the MEC may appoint any person to examine and test the appellant as to his or her competency to drive the class of motor vehicle concerned and may in addition, require each party to the appeal to furnish such information and evidence as he or she may deem expedient.

(5) For the purpose of deciding an appeal in terms of subsection (2), the MEC may—

- (a) where the appeal concerns a roadworthy certificate, cause the motor vehicle concerned to be examined and tested by an examiner of vehicles nominated by him or her; and
- (b) require each party to the appeal to furnish such information and evidence as he or she may deem necessary.

(6) The MEC may after considering the appeal concerned give such decision as he or she may deem fit.

(7) An appeal referred to in subsections (1) and (2) includes an appeal against any refusal, suspension or cancellation, or decision by any person in terms of the National Road Traffic Act, 1996.

CHAPTER VII

REGULATIONS AND BY-LAWS

Power of MEC to make regulations

25. (1) The MEC may make regulations, not inconsistent with the provisions of this Act and the National Road Traffic Act, 1996, in respect of any matter contemplated, required or permitted to be prescribed under this Act and generally for the better carrying out of the provisions or objects of this Act or the National Road Traffic Act, 1996, and in particular, but without prejudice to the generality of the foregoing provisions, with respect to—

- (a) in the case of a motor vehicle, the colour and character of the registration mark or number to be displayed under this Act and the means to be applied to render any such mark or number easily distinguishable, whether by night or by day, when any such vehicle is operated on a public road;
- (b) subject to the regulations made under the National Road Traffic Act, 1996, the stopping with and parking of vehicles on public roads;

- (c) the method of determining any fact which is required for the purposes of this Act;
- (d) any form, process or token which the MEC may deem expedient for the purposes of this Act and the nature and extent of any information to be furnished for the purpose of any such form;
- (e) the issue of a duplicate certificate, licence or other documentation or token issued in terms of this Act if the original has been lost, destroyed or defaced or any particulars thereon have become illegible;
- (f) the dress, including insignia, of traffic officers and of traffic wardens appointed in terms of section 3;
- (g) the fees that may or is to be charged for any purpose under this Act, or in respect of any registration, application, authorization or examination, or the issue of any document or copy of such document or copy of such document, referred to in the National Road Traffic Act, 1996, or the regulations issued under that Act;
- (h) the fees that may or is to be charged in respect of the registration and licensing of motor vehicles as contemplated in the National Road Traffic Act, 1996.

(2) The power to make regulations for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose either absolutely or conditionally.

(3) Any regulation under this section may be made to apply generally throughout the province or within any specified part thereof or to any specified category of vehicle or person.

(4) A regulation made under subsection (1) may provide for penalties for a contravention thereof and also for different penalties in the case of successive or continuous contraventions, but no penalty shall exceed a fine or imprisonment for a period of one year.

(5) Before the MEC makes any regulation under this section, he or she may if he or she deems it expedient, cause a draft of the proposed regulation to be published in the *Provincial Gazette* together with a notice calling upon all interested persons to lodge in writing, and within a period stated in the notice, but not less than four weeks as from the date of publication of the notice, any objections or representations which they would like to raise or to make, with the Director-General for submission to the MEC: Provided that, if the MEC thereafter decides to alter the draft regulations as a result of any objections or representations submitted in this regard, it shall not be necessary so to publish such alterations before making the regulations.

Power of local authority to make by-laws

26. (1) Subject to the provisions of any law in relation to the procedure to be followed in the making, approval and promulgation of any by-law by a local authority, any local authority may with the concurrence of the MEC make by-laws not inconsistent with the provisions of this Act or the National Road Traffic Act, 1996, in respect of—

- (a) the safety of traffic on any public road, the duty of any user of such road and the use of any such road by any vehicle;
- (b) subject to the provisions of the Businesses Act, 1991, and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, the stopping with and parking of any vehicle on any public road or portion thereof, including by-laws relating to the installation, regulation, supervision, maintenance and control of parking meters and parking places;
- (c) the appointment and licensing of parking attendants and the withdrawal of any such licence;
- (d) the driver or conductor of, or other person employed in connection with, a vehicle plying for hire or accepting passengers for hire;
- (e) subject to the provisions of the Businesses Act, 1991, and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, any public road which is not to be used by any vehicle, either generally or at specific times;
- (f) the relative position on the public road of traffic of differing speeds and classes,
- (g) the place where and time when a vehicle may not turn so as to face in the opposite direction to that in which it was proceeding or where it may only so turn under specified conditions;
- (h) the loading and off-loading of any vehicle on a public road;
- (i) the rules as to priority of entry of certain motor vehicles into a main thoroughfare;
- (j) the use of a hooter, bell or other warning device and the conditions under which any such warning device may be used within any specified area, whether at all times or during specified periods;
- (k) the appointment of an advisory traffic control board consisting of not fewer than three members to advise the local authority on all questions of traffic control;
- (l) the use of any public road by traffic in general;

- (m) the limitation of the age of drivers of vehicles drawn by animals;
- (n) any form or token which a local authority may deem expedient for the purposes of any by-law, and the nature and extent of any information to be furnished for the purpose of any such form;
- (o) the enabling of any local authority in the event of any person failing to do anything required of him under any by-law to do such act and to recover the expenses thereof from the person so in default;
- (p) the mass of any goods which or the number of passengers who or animals which may be conveyed on a pedal cycle;
- (q) the regulation, restriction, prohibition or control of the parking upon public roads of vehicles owned, kept or used by dealers or which have been placed in their custody or under their control in the course of any dealer's business carried on by them; and
- (r) any other matter in regard to which a local authority may make by-laws under this Act.

(2) The power to make by-laws for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose, either absolutely or conditionally.

(3) Any by-law under subsection (1) may be made to apply generally throughout the area of the local authority or within any specified part thereof or to any specified category of vehicle or person.

(4) In so far as any by-law of a local authority, whether made under this Act or any other law, may be inconsistent with any regulation under this Act or the National Road Traffic Act, 1996, the regulation shall prevail.

(5) Any By-law made under this section may provide for penalties for a contravention thereof, and may also provide for different penalties in case of successive or continuous breaches, but no penalty shall exceed a fine or imprisonment for a period of six months.

Local authority may determine fees

27. (1) A local authority may, by special resolution, determine the fees to be charged for any purpose contemplated in section 26.

CHAPTER VIII

REGISTERS AND RECORDS

Registers or records to be kept

28. (1) The registers or records as may be prescribed shall be kept by—

- (a) an enforcement authority;

- (b) any local authority; and
- (c) any person determined by the MEC by notice in the *Provincial Gazette*.

(2) The prescribed particulars shall be recorded in the prescribed manner in registers and records referred to in subsection (1).

(3) Any authority referred to in subsection (1) shall in the manner and at such intervals as are prescribed furnish the MEC or any person or body designated by the MEC from the information so furnished compile or cause to be compiled such register as he or she may deem fit.

(4) The MEC may prescribe that any authority shall keep such additional registers or records as he or she may deem expedient.

Copy of entry in register or record to be evidence

29. (1) A document purporting to be an extra form, or a copy of, any register or record kept in terms of this Act and purporting to be certified as such, shall in any court and upon all occasions whatsoever be admissible as evidence and shall be *prima facie* evidence of the truth of the matters stated in such document without the production of the original register or record or any certificate, licence, other document, microfiche, microfilm or computerized record from or of which such extract or copy was made.

(2) The information contained in a register or record kept for the purposes of this Act shall be furnished to—

- (a) a traffic officer or inspector of licences who requires it for the performance of his or her duties;
- (b) any person authorized thereto by the MEC to demand such furnishing,
- (c) any department of State; or
- (d) a local authority:

Provided that the consent of the MEC or any person authorized thereto by him or her shall be obtained before such information is furnished to an authority referred to in paragraph (d).

(3) Any authority keeping a register or record in terms of section 28 shall at the request of any person and upon payment of the prescribed fees—

- (a) confirm whether or not certain information corresponds to the information contained in such register or record, if in the opinion of such authority that person, on reasonable grounds requires confirmation of such information; or
- (b) furnish the information mentioned in paragraph (a) to that person if in the opinion of such authority he or she, on reasonable grounds, requires that such information be furnished to him or her.

Cognizance may be taken of information contained in register or record

30. The MEC may, in exercising a discretion or taking a decision in terms of this Act, take cognizance of the information contained in a register or record contemplated in section 28.

CHAPTER IX**GENERAL PROVISIONS****Parking of medical personnel**

31. (1) Notwithstanding anything to the contrary contained in any law, a local authority may exempt in such circumstances and subject to such conditions as it may deem expedient—

- (a) a medical practitioner; or
- (b) a registered nurse or midwife as defined in section 1 of the Nursing Act, 1978 (Act No. 50 of 1978),

from the provisions of any law relating to the parking of a motor vehicle within its area of jurisdiction.

Special provisions relating to parking

32. (1) Notwithstanding anything to the contrary contained in any law, a local authority may exempt in the prescribed circumstances and subject to the prescribed conditions—

- (a) any person who, in the opinion of such local authority, has a prescribed physical disability; or
- (b) any person who is conveying or assisting a person contemplated in paragraph (a),

from the provisions of any law relating to the parking of a motor vehicle within its area of jurisdiction.

(2) A local authority may, and shall in the prescribed circumstances, provide special parking places for the exclusive parking of vehicles driven by persons referred to in subsection (1), and such parking places shall be identified by a road traffic sign.

(3) A local authority shall control the use of the parking places referred to in subsection (2) in the prescribed manner.

(4) The local authority concerned shall issue to a person mentioned in subsection (1) proof of such exemption.

MEC may authorise certain refunds

33. (1) The MEC may, if he or she is satisfied that any amount paid by a person was in excess of the amount properly chargeable under this Act, authorize a refund of such amount or of any part thereof to such person.

Apportionment of fines

42. (1) Subject to sections 6 and 8 of the Finance and Financial Adjustments Acts Consolidated Act, 1977 (Act No. 11 of 1977), and section 341(2)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), all fines imposed or moneys estreated as bail in respect of any offence in terms of this Act or the National Road Traffic Act, 1996, shall be paid into the Provincial revenue fund in terms of section 226(l) of the Constitution of the RSA Act 108 of 1996 and be transferred to the Urban Transportation fund established in terms of the Urban Transportation Act, No. 78 of 1977 in terms of section 226(2) (b) of the Constitution of the RSA Act 108 of 1996.

(2) All fines imposed and moneys estreated as bail in respect of any offence under any by-laws made in terms of this Act shall be paid to the authority to which any such by-laws is applicable.

Delegation

43. (1) The MEC may—

- (a) delegate to any other person any power conferred upon him or her by or under this Act; and
- (b) authorize any other person to perform any duty assigned to the MEC by or under this Act,

and may effect such delegation or grant such authorization subject to such conditions as he or she may deem fit.

(2) Any delegation effected or authorization granted under subsection (1) may at any time be withdrawn by the MEC.

Repeal of laws and savings

44. (1) Subject to the provisions of subsection (2), the laws specified in the first column of the Schedule are hereby repealed to the extent indicated in the second column thereof.

(2) Any proclamation, regulation, by-law, notice, order, prohibition, authority, appointment, permission, information or document made, issued, imposed, granted or given and any other action taken under any provision of a law repealed by the National Road Traffic Act, 1996, shall be deemed to have been made, issued, imposed, granted, given or taken under the corresponding provision (if any) of this Act.

Short title and commencement

45. (1) This Act shall be called the Northern Province Road Traffic Act 1997, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates may be fixed in respect of different provisions of this Act, and dates so fixed may differ in respect of different—

- (a) persons or goods or categories of persons or goods transported by means of a motor vehicle;

- (b) kinds or classes of motor vehicles used in the transportation of persons or goods
- (c) persons or categories of persons; or
- (d) areas in the province.

(3) More than one of the elements referred to in paragraphs (a) to (d), inclusive, of subsection (2) ,may be combined for the purposes of that subsection.

Apportionment of fines

42. (1) Subject to sections 6 and 8 of the Finance and Financial Adjustments Acts Consolidated Act, 1977 (Act No. 11 of 1977), and section 341(2)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), all fines imposed or moneys estreated as bail in respect of any offence in terms of this Act or the National Road Traffic Act, 1996, shall be paid into the Provincial revenue fund in terms of section 226(l) of the Constitution of the RSA Act 108 of 1996 and be transferred to the Urban Transportation fund established in terms of the Urban Transportation Act, No. 78 of 1977 in terms of section 226(2) (b) of the Constitution of the RSA Act 108 of 1996.

(2) All fines imposed and moneys estreated as bail in respect of any offence under any by-laws made in terms of this Act shall be paid to the authority to which any such by-laws is applicable.

Delegation

43. (1) The MEC may—

- (a) delegate to any other person any power conferred upon him or her by or under this Act; and
- (b) authorize any other person to perform any duty assigned to the MEC by or under this Act,

and may effect such delegation or grant such authorization subject to such conditions as he or she may deem fit.

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44. (1) Subject to the provisions of subsection (2), the laws specified in the first column of the Schedule are hereby repealed to the extent indicated in the second column thereof.

(2) Any proclamation, regulation, by-law, notice, order, prohibition, authority, appointment, permission, information or document made, issued, imposed, granted or given and any other action taken under any provision of a law repealed by the National Road Traffic Act, 1996, shall be deemed to have been made, issued, imposed, granted, given or taken under the corresponding provision (if any) of this Act.

Short title and commencement

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(2) Different dates may be fixed in respect of different provisions of this Act, and dates so fixed may differ in respect of different—

- (a) persons or goods or categories of persons or goods transported by means of a motor vehicle;

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- (b) kinds or classes of motor vehicles used in the transportation of persons or goods
- (c) persons or categories of persons; or
- (d) areas in the province.

(3) More than one of the elements referred to in paragraphs (a) to (d), inclusive, of subsection (2) ,may be combined for the purposes of that subsection.

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 2

23 April 1998

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

No. 5 van 1997: Noordelike Provinsie Padverkeerswet, 1997.

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WET

Tot samevatting en wysiging van die bepalings met betrekking tot padverkeer wat in hierdie Provinsie behoort te geld, en vir aangeleenthede wat daarmee in verband staan

(Engelse teks deur die Premier onderteken)
(Bekragtiging op 21 Januarie 1998)

DAAR WORD BEPAAL deur die Wetgewer van die Noordelike Provinsie, soos volg:—

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - “Direkteur-generaal” die Direkteur-generaal van die Administrasie van die Provinsie . . .;
 - “gemagtigde beampte” ’n inspekteur van lisensies, ondersoeker van voertuie, toetsbeampte vir bestuurslisensies of ’n verkeersbeampte, en ook enige ander persoon wat die LUR van tyd tot tyd by regulasie tot gemagtigde beampte verklaar;
 - “geneesheer” iemand wat as sodanig kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1972 (Wet No. 56 van 1974), geregistreer is;
 - “hierdie Wet” ook die regulasies, en vir die doeleindes van Hoofstukke I, II en III van hierdie Wet, die Nasionale Padverkeers-wet, 1996, sowel as die regulasies uitgevaardig ingevolge daardie Wet;
 - “inspekteur van lisensies” ’n inspekteur van lisensies ingevolge Hoofstuk I aangestel;
 - “instrukteur” iemand wat teen regstreekse of onregstreekse beloning—
 - (a) enige ander persoon in die bestuur van ’n motorvoertuig onderrig; of
 - (b) enige ander persoon die padreëls of padverkeerstekens leer ten einde ’n leerling- of bestuurslisensie te bekom;
 - “LUR” die lid van die Uitvoerende Raad aangestel ingevolge artikel 149 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en aan wie padverkeersaangeleenthede opgedra is;

- "Minister"** die Minister van Vervoer in die Nasionale Regering;
- "Nasionale Padverkeerswet, 1996"** ook die regulasies kragtens daardie Wet uitgevaardig;
- "ondersoeker van voertuie"** 'n ondersoeker van voertuie ingevolge Hoofstuk I geregistreer en aangestel;
- "Premier"** die Premier van die provinsie verkies ingevolge artikel 145 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);
- "provinsie"** beteken die Noordelike Provinsie ingestel ingevolge artikel 124 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);
- "registrasie-owerheid"** 'n registrasie-owerheid ingevolge artikel 2 aangestel;
- "regulasie"** 'n regulasie (uitgesonderd 'n verordening) ingevolge hierdie Wet gemaak;
- "toetsbeampte vir bestuurslisensies"** 'n toetsbeampte vir bestuurslisensies geregistreer en aangestel ingevolge Hoofstuk I;
- "toetsstasie"** 'n toetsstasie ingevolge artikel 37 van die Nasionale Padverkeerswet, 1996 geregistreer;
- "verkeersbeampte"** 'n verkeersbeampte kragtens Hoofstuk I aangestel, en 'n lid van die Diens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet No. 68 van 1995), en by die toepassing van Hoofstukke III en IV en artikels 22 en 29 van hierdie Wet ook 'n vredesbeampte;
- "verkeersopsigter"** 'n verkeersopsigter kragtens Hoofstuk I aangestel;
- "verordening"** 'n verordening beoog in artikel 26; en
- "voorskryf"** by regulasie voorgeskryf.

(2) Enige woord of uitdrukking omskryf in die Nasionale Padverkeerswet, 1996, maar wat nie in subartikel (1) omskryf is nie, tensy uit die samehang anders blyk, dieselfde betekenis as die betekenis wat daaraan in die Nasionale Padverkeerswet, 1996 toegeken is.

HOOFSTUK I

REGISTRASIE-OWERHEDE EN BEAMPTES

Aanstelling van registrasie-owerhede

2. (1) By die toepassing van hierdie Wet stel die LUR, by kennisgewing in die *Provinsiale Koerant*, 'n registrasie-owerheid aan vir die gebied en ooreenkomstig die voorwaardes wat hy of sy van tyd tot tyd bepaal.

- (f) van die eienaar, operateur of bestuurder of persoon in beheer van 'n voertuig vereis om onverwyld sy of haar naam en adres, en enige ander besonderhede wat vir sy of haar identifikasie nodig is, te verstrek, en waar van toepassing, onverwyld 'n professionele bestuurpermit te toon;
- (g) van enige persoon vereis om 'n lisensie of 'n ander voorgeskrewe magtiging wat daardie persoon magtig om 'n motorvoertuig te bestuur onmiddellik aan hom of haar voor te lê, en om enige ander dokument voor te lê wat hy of sy ten opsigte van 'n motorvoertuig ingevolge hierdie Wet moet hou;
- (h) beslag lê op enige lisensie of dokument wat ingevolge paragraaf (g) aan hom of haar voorgelê is en wat na sy of haar mening bewys kan lewer van 'n oortreding of ontduiking van 'n bepaling van hierdie Wet, en waar daar sodanig op enige lisensie of dokument beslag gelê is, moet die inspekteur 'n kwitansie ten opsigte daarvan aan die betrokke persoon uitreik;
- (i) van enige persoon, hetsy daardie persoon in 'n voertuig is of nie, vereis om sy of haar naam en adres en enige ander besonderhede wat vir sy of haar identifikasie nodig is, te verstrek, asook enige inligting wat hy of sy in staat is om te verstrek en wat tot die identifikasie van die eienaar, operateur of bestuurder van daardie voertuig kan lei;
- (j) van enige persoon vereis om aan hom of haar enige inligting te verstrek waartoe hy of sy in staat is om te voorsien en wat kan lei tot die identifikasie van die bestuurder, eienaar, operateur of persoon in beheer van 'n voertuig te eniger tyd of gedurende enige tydperk; of
- (k) te eniger redelike tyd met inagneming van die omstandighede van die geval, sonder voorafgaande kennisgewing, en in die uitoefening van enige bevoegdheid of die uitvoering van enige plig wat hy of sy ingevolge hierdie Wet gemagtig is of vereis word om uit te oefen of te verrig, enige perseel binnegaan waar hy of sy rede het om te glo dat 'n voertuig gehou word.

Bevoegdhede en pligte van ondersoeker van voertuie

8. (1) 'n Ondersoeker van voertuie kan enige voertuig inspekteer, ondersoek of toets ten einde vas te stel of dit padwaardig is en vir die doel kan hy of sy die voertuig of enige gedeelte daarvan of die toerusting of bybehore daarvan uitmekaarhaal: Met dien verstande dat hy of sy enige voertuig aldus uitmekaargehaal, weer moet monteer tensy hy of sy deur die persoon in beheer van die voertuig versoek word om dit nie te doen nie.

(2) 'n Ondersoeker van voertuie kan enige voertuig bestuur wanneer dit nodig is by die uitvoering van sy of haar pligte, mits hy of sy, in die geval van 'n motorvoertuig, gelisensieer is om 'n motorvoertuig van die betrokke klas te bestuur: Met dien verstande dat in die geval van 'n gestremde persoon die ondersoeker van voertuie kan versoek dat die houer van 'n toepaslike bestuurslisensie die voertuig aangepas vir liggaamlik gestremde persone onderworpe aan sy of haar opdragte of in sy of haar teenwoordigheid bestuur.

Bevoegdhede en pligte van toetsbeampte vir bestuurslisensies

9. (1) 'n Toetsbeampte vir bestuurslisensies toets enige aansoeker om 'n leerlinglisensie of bestuurslisensie op 'n wyse en ten opsigte van die aangeleenthede soos voorgeskryf deur die Nasionale Padverkeerswet, 1996, ten einde te bepaal of daardie aansoeker geskik en bekwaam is om 'n leerling- of bestuurslisensie vir die klas voertuig waarvoor hy of sy aansoek doen, te verwerf.

(2) Geen toetsbeampte vir bestuurslisensies mag 'n aansoeker om 'n bestuurslisensie toets ingevolge die Nasionale Padverkeerswet, 1996, nie, tensy die toetsbeampte self gelisensieer is om 'n voertuig te bestuur van die klas ten opsigte waarvan die aansoeker aansoek doen om 'n bestuurslisensie te verwerf, of van die klas wat voorgeskryf word.

Bevoegdhede en pligte van verkeersbeampte

10. Benewens die bevoegdhede en pligte elders in hierdie Wet aan hom of haar verleen of opgedra, kan 'n verkeersbeampte behoudens die bepalings van hierdie Wet en enige ander wet—

- (a) enigeen van die bevoegdhede of pligte wat ingevolge artikel 7 aan 'n inspekteur van lisensies verleen word, uitoefen of verrig;
- (b) wanneer hy of sy in uniform is, van die bestuurder van enige voertuig vereis om daardie voertuig tot stilstand te bring;
- (c) enige deel en die werking van enige voertuig, en die toerusting daarvan, inspekteer en toets of laat inspekteer of toets deur 'n persoon wat hy of sy bekwaam ag om dit te doen, met die oog daarop om vas te stel of die voertuig of die werking daarvan en die toerusting aan die bepalings van die Nasionale Padverkeerswet, 1996, voldoen: Met dien verstande dat geen sodanige beampte of persoon wat deur die beampte gelas is om so 'n voertuig te inspekteer of te toets, by die uitoefening van die bevoegdheid wat hierby aan hom of haar verleen word die meganisme of enige werkende dele van 'n motorvoertuig mag uitmekaar haal nie tensy hy of sy ook 'n gekwalifiseerde motorwerktuigkundige is of in 'n eksamen vir ondersoekers van motorvoertuie soos voorgeskryf, geslaag het, en indien hy of sy sodanige

voertuig aldus uitmekaargehaal het, moet hy of sy die uitmekaargehaalde meganisme of dele weer monteer tensy hy of sy deur die persoon in beheer van die voertuig versoek word om dit nie te doen nie;

- (d) die mate van die vrag op, of die massa, asmassalas of aseenhedmassalas van, enige voertuig, of die massa van enige kombinasie van voertuie, met of sonder vrag, vasstel, en as dit nodig is vir die doel om sodanige massa vas te stel, vereis dat die voertuig of kombinasie van voertuie na 'n massameter of massameettoestel gaan, en indien die massa van enige voertuig of kombinasie van voertuie die massa oorskry wat ingevolge die Nasionale Padverkeerswet, 1996, toegelaat word, die gebruik van sodanige voertuig of kombinasie van voertuie op 'n openbare pad verbied totdat sodanige massa verminder of verander is om aan hierdie Wet te voldoen: Met dien verstande dat waar die vrag op 'n voertuig enige gevaarhoudende stof ingevolge die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973), bevat, die vermindering en hantering van die massa ingevolge daardie Wet moet geskied;
- (e) enige voertuig bestuur wanneer dit nodig is vir die uitvoering van sy of haar pligte, mits hy of sy, in die geval van 'n motorvoertuig, gelisensieer is om 'n motorvoertuig van die betrokke klas te bestuur;
- (f) indien dit vir daardie beampte voorkom of 'n persoon wat die bestuurder is of klaarblyklik in beheer is van 'n voertuig, weens sy of haar fisiese of geestelike toestand, hoe dit ook al ontstaan het, vir die oomblik nie in staat is om daardie voertuig te bestuur of in beheer daarvan te wees nie, tydelik daardie persoon verbied om voort te gaan om die voertuig te bestuur of in beheer daarvan te wees en die reëlins tref vir die veilige beskikking oor of plasing van die voertuig wat na sy of haar mening in die omstandighede nodig of wenslik is;
- (g) die verkeer op enige openbare pad reël en beheer, en die opdragte gee wat, na sy of haar mening, nodig is vir die veilige en doeltreffende reëling van die verkeer, wat die sluiting van enige openbare pad mag insluit, en, waar hy of sy van mening is dat die bestuurder van 'n motorvoertuig die normale vloei van verkeer op 'n openbare pad belemmer of hinder, opdrag gee dat die bestuurder die voertuig van daardie pad verwyder en 'n ander roete met die voertuig volg;

- (h) van enige persoon vereis om sy of haar naam en adres en enige ander besonderhede wat vir sy of haar identifikasie of vir 'n prosesstuk nodig is, te verstrek indien daardie beampte op redelike gronde vermoed dat daardie persoon 'n misdryf ingevolge hierdie Wet begaan het of indien na die mening van daardie beampte die persoon in staat is om getuienis af te lê in verband met die pleging of vermeende pleging van sodanige misdryf;
- (i) ten opsigte van enige motorvoertuig, van die eienaar, operateur of bestuurder daarvan vereis om enige dokument ingevolge hierdie Wet voorgeskryf, voor te lê;
- (j) beslag lê op enige dokument genoem in paragraaf (i) wat aan hom of haar voorgelê is en wat na sy of haar mening bewys kan lewer van 'n oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet en waar daar aldus op enige dokument beslag gelê word, moet die verkeersbeampte 'n kwitansie daarvoor aan die betrokke persoon uitreik;
- (k) kan van enige professionele bestuurder of die operateur of eienaar van 'n motorvoertuig vereis om—
 - (i) enige aantekening of dokument wat so 'n persoon ingevolge hierdie Wet aan hom of haar moet dra of in sy of haar besit moet hê of wat op enige sodanige motorvoertuig aangebring moet wees; of
 - (ii) enige aantekening wat daardie persoon ingevolge hierdie Wet moet bewaar;
vir inspeksie te toon en toe te laat dat 'n afskrif daarvan gemaak word;
- (l) te eniger tyd enige motorvoertuig van 'n operateur betree en daardie voertuig inspekteer;
- (m) te eniger tyd enige perseel betree waar hy of sy rede het om te glo dat 'n motorvoertuig van 'n operateur gehou word of enige aantekening of ander dokument wat ingevolge hierdie Wet gehou moet word, gevind kan word, en daardie voertuig inspekteer, en sodanige aantekening of dokument wat hy of sy daar vind, inspekteer en 'n afskrif daarvan maak;
- (n) as hy of sy rede het om te glo dat 'n misdryf ingevolge hierdie Wet begaan is ten opsigte van enige aantekening of dokument wat hy of sy geïnspekteer het, op daardie aantekening of dokument beslag lê, en waar daar aldus op enige aantekening of dokument beslag gelê word, moet die verkeersbeampte 'n kwitansie daarvoor aan die betrokke persoon uitreik;

- (o) 'n motorvoertuig of deel daarvan inspekteer en beslag lê op 'n dokument uitgereik in verband met die registrasie en lisensiëring van daardie motorvoertuig wat op die motorvoertuig betrekking het, waar gevind word dat die enjin- of onderstelnummer van die voertuig verskil van die enjin- of onderstelnummer soos gespesifiseer op die dokument, en opdrag gee dat die motorvoertuig onmiddellik na 'n polisiekantoor wat die verkeersbeampte spesifiseer, geneem word vir polisieklaring, en nadat sodanige klaring verkry is die dokument waarop beslag gelê is, teruggee aan iemand wat daarop geregtig is, of die eienaar van die betrokke motorvoertuig in kennis stel dat die voertuig herregistreer moet word, na gelang van die geval; en
- (p) van die eienaar, operateur of bestuurder van 'n motorvoertuig wat in enige voorgeskrewe gebied geregistreer is of geag word aldaar geregistreer te wees, polisieklaring ten opsigte van die motorvoertuig eis voordat toegelaat word dat die motorvoertuig oor die Republiek se grense geneem word: Met dien verstande dat die LUR 'n eienaar, operateur of bestuurder op die voorgeskrewe wyse daarvan kan vrystel om sodanige polisieklaring te verskaf.

Versuim om te voldoen aan opdrag of voorskrif van inspekteur van lisensies, verkeersbeampte, ondersoeker van voertuie of vredesbeampte

11. Niemand mag—

- (a) versuim om enige opdrag of voorskrif wat deur 'n inspekteur van lisensies, verkeersbeampte of ondersoeker van voertuie aan hom of haar gegee is, na te kom, of so 'n inspekteur van lisensies, verkeersbeampte of ondersoeker van voertuie dwarsboom, hinder of belemmer by die uitoefening van enige bevoegdheid of die uitvoering van enige plig kragtens hierdie Wet nie;
- (b) versuim om enige opdrag of voorskrif wat deur 'n vredesbeampte aan hom of haar gegee is, na te kom, of so 'n vredesbeampte dwarsboom, hinder of belemmer by die uitoefening van enige bevoegdheid met betrekking tot 'n bepaling van hierdie Wet wat kragtens artikel 334 van die Strafproseswet, 1977 (Wet No. 51 van 1977), aan hom of haar opgedra is nie;
- (c) ten einde 'n persoon in paragraaf (a) of (b) bedoel, te dwing om 'n handeling met betrekking tot die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar pligte te verrig of na te laat, of omdat daardie persoon so 'n handeling verrig of nagelaat het, dreig om geweld of dwang te gebruik of die gebruik van geweld of dwang voorstel teen

daardie persoon of enige van sy of haar naasbestaandes of afhanklikes, of dreig om die eiendom van daardie persoon of van enige van sy of haar naasbestaandes of afhanklikes, te beskadig of die beskadiging daarvan voorstel nie.

(2) Wanneer ook al die voorlegging van 'n dokument wat nie aan 'n voertuig aangebring of deur iemand in 'n voertuig by hom of haar gehou hoef te wees nie, ingevolge artikel 7(b) of 10(i) vereis word, word die voorlegging daarvan by enige polisiekantoor of kantoor wat deur 'n bevoegde gesag vir gebruik deur 'n verkeersbeampte of vredesbeampte afgesonder is, binne 'n tydperk van sewe dae nadat dit aldus vereis is as voldoende nakoming van die vereiste geag.

(5) Wanneer ook al enige dokumente ingevolge subartikel (2) by enige polisiekantoor of kantoor vermeld in genoemde subartikel, voorgelê word, moet die bevelvoerende beampte van daardie polisiekantoor of kantoor wat aldus afgesonder is, die beampte wat die betrokke vereiste gestel het onverwyld dienooreenkomstig in kennis stel en 'n bewys van voorlegging van die dokument uitreik aan die persoon wat dit voorlê.

(4) Waar 'n dokument nie ingevolge subartikel (2) voorgelê word nie 'n prosesstuk ingevolge artikel 54, 56, 72 of 341 van die Strafproseswet, 1977, aan iemand oorhandig of beteken word, kan 'n inspekteur van lisensies, verkeersbeampte of vredesbeampte die linkerduimafdruk van die persoon op wie die prosesstuk betrekking het op daardie prosesstuk vereis, en daardie persoon is verplig om so 'n afdruk op die wyse en op die plek of plekke op die dokument en afskrifte daarvan te maak soos aangewys deur die betrokke inspekteur of beampte: Met dien verstande dat indien dit nie moontlik is om die afdruk van die linkerduim van so iemand te verkry nie, die afdruk van enige ander vinger vereis kan word, en in die geval moet die betrokke inspekteur of beampte die vinger wat gebruik word, onder elke afdruk van daardie vinger skriftelik identifiseer.

Voordoening as gemagtigde beampte of vredesbeampte of ooring van so 'n beampte om sy of haar plig te versaak

12. (1) Iemand wat nie 'n gemagtigde beampte of 'n vredesbeampte is nie, mag nie deur woord, gedrag of optrede voorgee dat hy of sy 'n gemagtigde beampte of vredesbeampte is nie.

(2) Niemand mag met enige gemagtigde beampte of vredesbeampte saamspan of hom of haar oorreed of probeer oorreed om te versuim om sy of haar plig uit te voer of om 'n handeling te verrig wat in stryd is met sy of haar plig nie.

(b) Indien 'n ander metode as 'n parkeermeter gebruik word om die gelde bedoel in subartikel (1) in te vorder, is die tydperk wat 'n voertuig wettig in 'n parkeerarea genoem in subartikel (3)(b) geparkeer kan word, tensy die teendeel bewys word, soos gemeet deur middel van die betrokke metode ten opsigte van die betrokke voertuig.

(5) Enige plaaslike owerheid kan op 'n openbare pad binne sy regsgebied staanplekke of standplase (wat as spesiale parkeerplekke bekend staan) inruim vir die parkering van passasiersdraende motorvoertuie of enige klas daarvan, soos voorgeskryf, en kan verordeninge vir die reël en beheer van die gebruik van daardie spesiale parkeerplekke uitvaardig—

- (a) om voorsiening te maak vir die uitreiking van permitte waarvolgens bepaalde spesiale parkeerplekke of onderverdelings daarvan aan sekere persone of voertuie toegeken word vir hul uitsluitlike gebruik;
- (b) om die gebruik van enige spesiale parkeerplek of onderverdeling aldus toegeken, deur enige ander persoon of voertuig te verbied;
- (c) om gelde ten opsigte van die gebruik van spesiale parkeerplekke te vorder; en
- (d) om voorsiening te maak vir sake wat daarmee in verband staan:

Met dien verstande dat in enige permit of enige hernuwing daarvan voorsiening gemaak kan word vir die beperking van die ure waartydens die houer die uitsluitlike gebruik van 'n bepaalde spesiale parkeerplek het en waartydens die gebruik daarvan deur enige ander persoon of voertuig verbied word.

(6) By die eerste toekenning van enige spesiale parkeerplek of onderverdeling bedoel in subartikel (5), moet die plaaslike owerheid sover moontlik die tydperk in ag neem wat die aansoeker daarom al besig is om passasiers met die betrokke klas voertuig teen betaling te vervoer.

(7) Verordeninge ingevolge subartikel (5) moet voorsiening maak vir die jaarlikse hernuwing van die reg om so 'n spesiale parkeerplek of onderverdeling daarvan te gebruik, onderworpe aan die aansoeker se goeie gedrag.

(8) Alle gelde wat 'n plaaslike owerheid deur middel van 'n parkeermeter of ten opsigte van 'n parkeerarea of 'n spesiale parkeerplek invorder, soos in hierdie artikel beoog, moet, uitgesonderd die goedkeuring van die betrokke LUR, slegs gebruik word ter bestryding van die koste van en in verband met enige skema, werk of onderneming ter verbetering of reëling van verkeers toestande binne die gebied van daardie plaaslike owerheid, met inbegrip van die koste van die installering en onderhoud van so 'n parkeermeter, parkeerarea of spesiale parkeerplek.

(9) Die uitoefening deur 'n plaaslike owerheid van sy bevoegdhede ingevolge hierdie artikel stel die owerheid nie aanspreeklik ten opsigte van die verlies of beskadiging van enige voertuig of die inhoud of toebehore van so 'n voertuig terwyl die voertuig in 'n parkeervak, parkeerarea of spesiale parkeerplek is nie.

HOOFSTUK V

VERMOEDENS EN REGSPROSEDURE

Vermoede ten opsigte van openbare pad, deurpad en openbare pad in stedelike gebied

20. (1) Waar daar by enige vervolging ingevolge hierdie Wet beweer word dat 'n misdryf op 'n openbare pad gepleeg is, word daar vermoed, totdat die teendeel bewys word, dat die betrokke pad 'n openbare pad is.

(2) Waar daar by enige vervolging ingevolge hierdie Wet beweer word dat 'n misdryf op 'n deurpad gepleeg is, word daar vermoed, totdat die teendeel bewys word, dat die betrokke pad 'n deurpad is.

(3) Waar daar by enige vervolging ingevolge hierdie Wet beweer word dat 'n misdryf op 'n openbare pad in 'n stedelike gebied gepleeg is, word daar vermoed, totdat die teendeel bewys word, dat die betrokke pad 'n openbare pad in 'n stedelike gebied is.

Vermoede dat eienaar voertuig bestuur of geparkeer het

21. (1) Waar dit by enige vervolging ingevolge hierdie Wet, belangrik is om te bewys wie die bestuurder van 'n voertuig was, word daar vermoed, totdat die teendeel bewys word, dat daardie voertuig deur die eienaar daarvan bestuur is.

(2) Wanneer ook al 'n voertuig geparkeer word in stryd met enige bepaling van hierdie Wet of 'n verordening wat daarkragtens uitgevaardig is, word daar vermoed, totdat die teendeel bewys word, dat daardie voertuig deur die eienaar daarvan geparkeer is.

(3) By die toepassing van subartikels (1) en (2) word daar vermoed, totdat die teendeel bewys word, dat, waar die eienaar van die betrokke voertuig 'n regspersoon is, sodanige voertuig deur 'n direkteur of dienaar van die regspersoon bestuur of geparkeer is, soos in daardie subartikels beoog, by die uitoefening van sy of haar bevoegdhede of die uitvoering van sy of haar pligte as sodanige direkteur of dienaar, of ter bevordering of gepoogde bevordering van die belange van die regspersoon.

Vermoede ten opsigte van beamptes

22. By 'n vervolging ingevolge enige van die bepalings van hierdie Wet, is die feit dat iemand voorgee om op te tree of voorgegee het om op te getree het as 'n verkeersbeampte, 'n inspekteur van lisensies, 'n ondersoeker van voertuie of 'n toetsbeampte vir bestuurslisensies, *prima facie*-getuienis van sy of haar aanstelling en magtiging om aldus op te tree: Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is met betrekking tot 'n vervolging op 'n aanklag wat op identiteitsbedrog betrekking het nie.

HOOFSTUK VI**APPÈLLE****Reg van appèl na Premier**

23. (1) Enige persoon, Staatsdepartement of registrasie-owerheid wat veronreg voel—

- (a) oor die weiering van die LUR om hom of haar te registreer of gradeer, na gelang van die geval, in enige hoedanigheid bedoel in die omskrywing van gemagtigde beampte, of as bestuurslisensie-toetssentrum, of as 'n toetsstasie, of as 'n instrukteur;
- (b) oor die opskorting of intrekking van sodanige registrasie of gradering; of
- (c) oor enige ander besluit van die LUR ten opsigte van die bedrywighede van 'n operateur,

kan binne 21 dae na sodanige weiering, opskorting of intrekking, of besluit, skriftelik teen sodanige weiering, opskorting of intrekking, of besluit na die Premier appelleer, en daardie persoon, Staatsdepartement of registrasie-owerheid moet terselfdertyd 'n afskrif van die appèl op die LUR beteken.

(2) Na ontvangs van die afskrif van die appèl in subartikel (1) bedoel, verstrek die LUR onverwyld aan die Premier sy of haar redes vir die weiering, opskorting of intrekking, of besluit waarop die appèl betrekking het.

(3) Die Premier kan na oorweging van 'n appèl ingevolge subartikel (1), die beslissing gee wat hy of sy goedvind.

(4) 'n Appèl bedoel in subartikel (1), sluit 'n appèl teen enige weiering, opskorting of intrekking of besluit van die LUR ten opsigte van die Nasionale Padverkeerswet, 1996, in.

Reg van appèl na LUR

24. (1) Iemand wat veronreg voel oor die weiering van 'n toetsbeampte vir bestuurslisensies om aan hom of haar 'n leerling- of bestuurslisensie uit te reik of die uitreiking daarvan te magtig, kan binne 21 dae na sodanige weiering skriftelik na die LUR van die provinsie waarin daardie toetsbeampte as sodanig aangestel is, appelleer, en daardie persoon moet terselfdertyd 'n afskrif van die appèl aan die betrokke toetsbeampte beteken.

(2) Iemand wat veronreg voel oor die weiering van 'n ondersoeker van voertuie of 'n toetsstasie om ten opsigte van 'n motorvoertuig aan hom of haar 'n padwaardigheidsertifikaat uit te reik of die uitreiking aan hom of haar van so 'n sertifikaat te magtig, of oor die voorwaardes onderworpe waaraan so 'n sertifikaat aan hom of haar uitgereik is, kan, binne 21 dae na daardie weiering of na die uitreiking an die sertifikaat onderworpe aan die betrokke voorwaardes, skriftelik teen so 'n weiering of teen die betrokke voorwaardes na die LUR van die provinsie waarin daardie ondersoeker as sodanig aangestel is of die toetsstasie geregistreer is, appelleer, en daardie persoon moet terselfdertyd 'n afskrif van die appèl aan die betrokke ondersoeker of toetsstasie beteken.

(3) Na ontvangs van die afskrif van die appèl in subartikels (1) en (2) bedoel, verstrek die betrokke toetsbeampte vir bestuurslisensies of die ondersoeker van voertuie of die toetsstasie, na gelang van die geval, onverwyld aan die LUR sy of haar redes vir die weiering waarop daardie appèl betrekking het.

(4) Ten einde 'n appèl ingevolge subartikel (1) te beslis, kan die LUR enige persoon benoem om die appellant te ondervra en te toets aangaande sy of haar bekwaamheid om die betrokke klas motorvoertuig te bestuur en kan hy of sy daarbenewens van elke party by die appèl vereis om die inligting en getuienis te verstrek wat hy of sy dienstig ag.

(5) Ten einde 'n appèl kragtens subartikel (2) te beslis, kan die LUR—

- (a) waar die appèl op 'n padwaardigheidsertifikaat betrekking het, die betrokke motorvoertuig deur 'n ondersoeker van voertuie wat hy of sy benoem, laat ondersoek en toets; en
- (b) van elke party by die appèl vereis om die inligting en getuienis te verstrek wat hy of sy nodig ag.

(6) Die LUR kan na oorweging van die appèl die beslissing gee wat hy of sy goedvind.

(7) 'n Appèl bedoel in subartikels (1) en (2), sluit 'n appèl teen enige weiering, opskorting of intrekking of besluit deur 'n persoon ingevolge die Nasionale Padverkeerswet, 1996, in.

HOOFSTUK VII

REGULASIES EN VERORDENINGE

Bevoegdheid van LUR om regulasies uit te vaardig

25. (1) Die LUR kan regulasies uitvaardig wat nie onbestaanbaar met die bepalings van hierdie Wet en die Nasionale Padverkeerswet, 1996, is nie, ten opsigte van enigiets wat beoog, vereis of toegelaat word om ingevolge hierdie Wet voorgeskryf te word en in die algemeen vir die beter uitvoering van die bepalings of doelstellings van hierdie Wet of die Nasionale Padverkeerswet, 1996, en in die besonder, maar sonder inkorting van die algemeenheid van die voorafgaande bepalings, betreffende—

- (a) in die geval van 'n motorvoertuig, die kleur en karakter van die registrasiemerk of nommer wat ingevolge hierdie Wet vertoon moet word en die middels wat aangewend moet word om enige sodanige merk of nommer geredelik uitkenbaar te maak, hetsy in die nag of in die dag, wanneer enige sodanige voertuig op 'n openbare pad gebruik word;
- (b) onderworpe aan die regulasies uitgevaardig kragtens die Nasionale Padverkeerswet, 1996, die stilhou met en parkering van voertuie op openbare paaie;
- (c) die metode om enige feit vas te stel wat by die toepassing van hierdie Wet vereis word;
- (d) enige vorm, prosesstuk of teken wat die LUR dienstig ag by die toepassing van hierdie Wet en die aard en omvang van enige inligting wat vir die doel van enige sodanige vorm verstrekk moet word;
- (e) die uitvaardiging van enige duplikaat sertifikaat, lisensie of ander dokumentasie of bewys, uitgevaardig ingevolge hierdie Wet, indien die oorspronklike daarvan verlore, vernietig of ontsier is of enige besonderhede daarop onleesbaar geword het;
- (f) die drag, met inbegrip van onderskeidingstekens, van verkeersbeamptes en van verkeersopsigters wat ingevolge artikel 3 aangestel is;
- (g) die gelde wat gevorder kan of moet word vir enige doel ingevolge hierdie Wet, of ten opsigte van enige registrasie, aansoek, magtiging of ondersoek, of die uitreiking van enige dokument of afskrif van sodanige dokument, bedoel in die Nasionale Padverkeerswet, 1996, of die regulasies uitgevaardig kragtens daardie Wet;
- (h) die gelde wat gevorder kan of moet word ten opsigte van die registrasie of lisenasiering van motorvoertuie soos beoog in die Nasionale Padverkeerswet, 1996.

(2) Die bevoegdheid om regulasies uit te vaardig vir enige doel genoem in subartikel (1), omvat die bevoegdheid om enige aan-geleentheid of saak met betrekking tot daardie doel volstrek of voorwaardelik te beperk of te verbied.

(3) Enige regulasie kragtens hierdie artikel kan uitgevaardig word om in die algemeen in die hele provinsie of binne enige bepaalde deel daarvan of op enige bepaalde kategorie voertuig of persoon van toe-passing te wees.

(4) 'n Regulasie uitgevaardig kragtens subartikel (1) kan voorsiening maak vir strawwe vir 'n oortreding daarvan en ook vir verskillende strawwe in die geval van agtereenvolgende of voortdurende oortredings, maar geen straf oorskry 'n boete of gevangenisstraf vir 'n tydperk van een jaar nie.

(5) Voordat die LUR 'n regulasie kragtens hierdie artikel uitvaardig, kan hy of sy, indien hy of sy dit dienstig ag, 'n konsep van die voorgestelde regulasie in die Provinsiale Koerant laat publiseer tesame met 'n kennisgewing waarby alle belanghebbende persone uitgenooi word om enige besware of verhoë wat hulle wil opper of wil rig binne 'n kennisgewing-vermelde tydperk, maar nie minder nie as vier weke vanaf die datum van publikasie van die kennisgewing, skriftelik by die Direkteur-generaal in te dien vir voorlegging aan die LUR: Met dien verstande dat indien die LUR daarna besluit om die konsepregulasie te verander na aanleiding van enige besware of verhoë wat dienaangaande ingedien is, dit nie nodig is om daardie veranderings aldus te publiseer voordat die regulasies uitgevaardig word nie.

Bevoegdheid van plaaslike owerheid om verordeninge uit te vaardig

26. (1) Behoudens die bepalings van enige wet wat betrekking het op die prosedure wat gevolg moet word by die opstel, goedkeuring en afkondiging van verordeninge deur 'n plaaslike owerheid, kan 'n plaaslike owerheid, met die instemming van die LUR, verordeninge uitvaardig wat nie onbestaanbaar met die bepalings van hierdie Wet of die Nasionale Padverkeerswet, 1996, is nie, betreffende—

- (a) die veiligheid van verkeer op enige openbare pad, die plig van enige gebruiker van sodanige pad en die gebruik van enige sodanige pad deur enige voertuig;
- (b) behoudens die bepalings van die Wet op Besighede, 1991, en enige regulasie of verordening daarkragtens uitgevaardig met betrekking tot die beperking, reëling of beheer van die dryf van die besigheid van 'n straat-handelaar, venter of smous, die stilhou met en parkering van enige voertuig op 'n openbare pad of gedeelte daarvan, met inbegrip van verordeninge betreffende die installering, reëling, toesig oor, onderhoud en beheer van parkeer-meters en parkeerplekke;

- (c) die aanstelling en lisensiëring van parkeeropsigters en die intrekking van so 'n lisensie;
- (d) die bestuurder of kondukteur van of ander persoon in diens in verband met 'n voertuig wat te huur is of passasiers vir huur vervoer;
- (e) behoudens die bepalings van die Wet op Besighede, 1991, en enige regulasie of verordening daarkragtens uitgevaardig met betrekking tot die beperking, reëling of beheer van die dryf van die besigheid van 'n straat-handelaar, venter of smous, enige openbare pad wat nie deur enige voertuig gebruik mag word nie; hetsy in die algemeen of teen vasgestelde tye;
- (f) die betreklike posisie op 'n openbare pad van verkeer met verskillende snelhede en van verskillende klasse;
- (g) die plek waar en tyd wanneer 'n voertuig nie mag draai sodat dit met die voorkant gekeer is in die rigting waaruit dit gekom het nie of waar dit net onder bepaalde omstandighede aldus mag draai;
- (h) die op- en aflaai van enige voertuig op 'n openbare pad;
 - (i) die reëls met betrekking tot voorrang van sekere motor-voertuie wanneer hulle 'n hoofdeurgang binnegaan;
 - (j) die gebruik van 'n toeter, klok of ander waarskuwingstoestel en die omstandighede waaronder enige sodanige waarskuwingstoestel binne 'n bepaalde gebied gebruik kan word, hetsy te alle tye of tydens vasgestelde tydperke;
- (k) die aanstelling van 'n adviserende verkeersbeheerraad bestaande uit minstens drie lede om die plaaslike owerheid te adviseer oor alle vraagstukke betreffende verkeers-reëling;
- (l) die gebruik van 'n openbare pad deur verkeer in die algemeen;
- (m) die beperking van die ouderdom van bestuurders van voertuie wat deur diere getrek word;
- (n) enige vorm of teken wat 'n plaaslike owerheid dienstig ag by die toepassing van enige verordening, en die aard en omvang van enige inligting wat vir die doel van enige sodanige vorm verstrekk moet word;
- (o) die verlenging van die bevoegdheid aan enige plaaslike owerheid om, indien enigiemand in gebreke bly om enigiets te doen wat ingevolge enige verordening van hom of haar vereis word, daardie handeling te verrig en die uitgawes daaraan verbonde op die persoon wat aldus in gebreke gebly het, te verhaal;

- (p) die massa van enige goedere of die getal passasiers of diere wat op 'n trapfiets vervoer mag word;
- (q) die reëling, beperking, verbied of beheer van parkering op openbare paaie van voertuie wat deur handelaars besit, gehou of gebruik word of wat in hul bewaring of onder hul beheer geplaas is in die loop van sake wat die handelaars bedryf; en
- (r) enige ander geleentheid waaroor 'n plaaslike owerheid kragtens hierdie wet verordeninge kan uitvaardig.

(2) Die bevoegdheid om verordeninge uit te vaardig vir enige doel genoem in subartikel (1), omvat die bevoegdheid om enige aangeleentheid of saak met betrekking tot daardie doel volstrek of voorwaardelik te beperk of te verbied.

(3) Enige verordening kragtens subartikel (1) kan uitgevaardig word om in die algemeen op die hele gebied van die plaaslike owerheid of binne enige bepaalde deel daarvan of op enige bepaalde kategorie voertuig of persoon van toepassing te wees.

(4) Vir sover enige verordening van 'n plaaslike owerheid, ongeag of dit kragtens hierdie Wet of 'n ander wet uitgevaardig is, onbestaanbaar is met enige regulasie kragtens hierdie Wet of die Nasionale Padverkeerswet, 1996, is die regulasie van krag.

(5) Enige verordening uitgevaardig kragtens hierdie artikel kan strawwe bepaal vir 'n oortreding daarvan, en kan ook voorsiening maak vir verskillende strawwe in geval van agtereenvolgende of voortdurende oortredings, maar geen straf mag 'n boete of gevangenisstraf vir 'n tydperk van ses maande oorskry nie.

Plaaslike owerheid mag gelde vasstel

27. 'n Plaaslike owerheid mag, by spesiale besluit, die gelde vasstel wat vir enige doel beoog in artikel 26 gevorder mag word.

HOOFSTUK VIII

REGISTERS EN AANTEKENINGE

Registers of aantekeninge moet gehou word

28. (1) Die registers of aantekeninge wat voorgeskryf word, moet gehou word deur—

- (a) 'n toepassingsgesag;
- (b) enige plaaslike owerheid; en
- (c) enige persoon wat die LUR by kennisgewing in die Provinsiale koerant bepaal.

(2) Die voorgeskrewe besonderhede word op die voorgeskrewe wyse aangebring in die registers en aantekeninge in subartikel (1) bedoel.

(3) Enige gesag in subartikel (1) genoem, moet op die voorgeskrewe wyse en tye aan die LUR of enige persoon of liggaam deur die LUR aangewys die inligting verskaf wat in 'n register of aantekening van so 'n gesag aangeteken is, en die LUR stel uit die inligting aldus verskaf die register saam, of laat die register saamstel, wat hy of sy goedvind.

(4) Die LUR kan voorskryf dat 'n gesag die bykomende registers of aantekeninge wat hy of sy dienstig ag, moet hou.

Afskrif van inskrywing in register of aantekeninge as getuienis

29. (1) 'n Dokument wat voorgee 'n uittreksel te wees uit of 'n afskrif te wees van enige register of aantekening wat ingevolge hierdie Wet gehou word en wat voorgee as sodanig gesertifiseer te wees, is in enige hof en by alle geleenthede wat ook al, toelaatbaar as getuienis en is *prima facie*-getuienis van die waarheid van die aangeleenthede wat in daardie dokument verklaar word, sonder die voorlegging van die oorspronklike register of aantekening of enige sertifikaat, lisensie, ander dokument, mikrofilm, mikrofilm of rekenaaraantekening waaruit of waarvan die uittreksel of afskrif gemaak is.

(2) Die inligting vervat in 'n register of aantekening wat by die toepassing van hierdie Wet gehou word, word verstrek aan—

- (a) 'n verkeersbeampte of inspekteur van lisensies wat dit in die uitvoering van sy of haar pligte nodig het;
- (b) iemand wat deur die LUR daartoe gemagtig is om sodanige verstrekking te eis;
- (c) 'n Staatsdepartement; of
- (d) 'n plaaslike owerheid:

Met dien verstande dat die toestemming van die LUR of van iemand deur hom of haar daartoe gemagtig, verkry moet word voordat sulke inligting aan 'n owerheid bedoel in paragraaf (d) verstrek word.

(3) 'n Owerheid wat 'n register of aantekening ingevolge artikel 28 hou, moet op versoek van enige persoon en by betaling van die voorgeskrewe gelde—

- (a) bevestig of sekere gegewens ooreenstem al dan nie met die inligting vervat in sodanige register of aantekening, indien, na die mening van sodanige owerheid, daardie persoon op redelike gronde bevestiging van sodanige inligting nodig het; of
- (b) die inligting bedoel in paragraaf (a) aan daardie persoon verskaf indien na die mening van sodanige owerheid, hy of sy op redelike gronde versoek dat sodanige inligting aan hom of haar verskaf moet word.

Kennis kan geneem word van inligting vervat in register of aantekening

30. Die LUR kan by die uitoefening van 'n diskresie of die neem van 'n besluit ingevolge hierdie Wet, kennis neem van die inligting vervat in 'n register of aantekening beoog in artikel 28.

HOOFSTUK IX**ALGEMENE BEPALINGS****Parkering van mediese personeel**

31. Ondanks andersluidende wetsbepalings kan 'n plaaslike owerheid in die omstandighede en op die voorwaardes wat hy dienstig ag—

- (a) 'n geneesheer; of
- (b) 'n geregistreerde verpleegkundige of vroedvrou soos omskryf in artikel 1 van die Wet op Verpleging, 1978 (Wet No. 50 van 1978),

vrystel van die bepaling van enige wet betreffende die parkering van 'n motorvoertuig binne sy regsgebied.

Spesiale bepalinge met betrekking tot parkering

32. (1) Ondanks andersluidende bepalinge van die een of ander wet kan 'n plaaslike owerheid in die voorgeskrewe omstandighede en onderworpe aan die voorgeskrewe voorwaardes—

- (a) enigiemand wat, na die mening van die plaaslike owerheid, 'n voorgeskrewe liggaamlike gebrek het; of
- (b) enigiemand wat 'n persoon in paragraaf (a) bedoel, vervoer of bystaan,

vrystel van die bepaling van enige wet betreffende die parkering van 'n motorvoertuig binne sy regsgebied.

(2) 'n Plaaslike owerheid kan, en moet in die voorgeskrewe omstandighede, spesiale parkeerplekke voorsien vir die uitsluitlike parkering van voertuie wat bestuur word deur persone in subartikel (1) bedoel, en sodanige parkeerplekke moet deur 'n padverkeersteken geïdentifiseer word.

(3) 'n Plaaslike owerheid moet die gebruik van die parkeerplekke bedoel in subartikel (2) op die voorgeskrewe wyse beheer.

(4) Die betrokke plaaslike owerheid reik aan 'n persoon bedoel in subartikel (1) bewys uit van sodanige vrystelling.

(3) Enige gesag in subartikel (1) genoem, moet op die voorgeskrewe wyse en tye aan die LUR of enige persoon of liggaam deur die LUR aangewys die inligting verskaf wat in 'n register of aantekening van so 'n gesag aangeteken is, en die LUR stel uit die inligting aldus verskaf die register saam, of laat die register saamstel, wat hy of sy goedvind.

(4) Die LUR kan voorskryf dat 'n gesag die bykomende registers of aantekeninge wat hy of sy dienstig ag, moet hou.

Afskrif van inskrywing in register of aantekeninge as getuienis

29. (1) 'n Dokument wat voorgee 'n uittreksel te wees uit of 'n afskrif te wees van enige register of aantekening wat ingevolge hierdie Wet gehou word en wat voorgee as sodanig gesertifiseer te wees, is in enige hof en by alle geleenthede wat ook al, toelaatbaar as getuienis en is *prima facie*-getuienis van die waarheid van die aangeleenthede wat in daardie dokument verklaar word, sonder die voorlegging van die oorspronklike register of aantekening of enige sertifikaat, lisensie, ander dokument, mikrofiche, mikrofilm of rekenaaraantekening waaruit of waarvan die uittreksel of afskrif gemaak is.

(2) Die inligting vervat in 'n register of aantekening wat by die toepassing van hierdie Wet gehou word, word verstrek aan—

- (a) 'n verkeersbeampte of inspekteur van lisensies wat dit in die uitvoering van sy of haar pligte nodig het;
- (b) iemand wat deur die LUR daartoe gemagtig is om sodanige verstrekking te eis;
- (c) 'n Staatsdepartement; of
- (d) 'n plaaslike owerheid:

Met dien verstande dat die toestemming van die LUR of van iemand deur hom of haar daartoe gemagtig, verkry moet word voordat sulke inligting aan 'n owerheid bedoel in paragraaf (d) verstrek word.

(3) 'n Owerheid wat 'n register of aantekening ingevolge artikel 28 hou, moet op versoek van enige persoon en by betaling van die voorgeskrewe gelde—

- (a) bevestig of sekere gegewens ooreenstem al dan nie met die inligting vervat in sodanige register of aantekening, indien, na die mening van sodanige owerheid, daardie persoon op redelike gronde bevestiging van sodanige inligting nodig het; of
- (b) die inligting bedoel in paragraaf (a) aan daardie persoon verskaf indien na die mening van sodanige owerheid, hy of sy op redelike gronde versoek dat sodanige inligting aan hom of haar verskaf moet word.

Kennis kan geneem word van inligting vervat in register of aantekening

30. Die LUR kan by die uitoefening van 'n diskresie of die neem van 'n besluit ingevolge hierdie Wet, kennis neem van die inligting vervat in 'n register of aantekening beoog in artikel 28.

HOOFSTUK IX**ALGEMENE BEPALINGS****Parkering van mediese personeel**

31. Ondanks andersluidende wetsbepalings kan 'n plaaslike owerheid in die omstandighede en op die voorwaardes wat hy dienstig ag—

- (a) 'n geneesheer; of
- (b) 'n geregistreerde verpleegkundige of vroedvrou soos omskryf in artikel 1 van die Wet op Verpleging, 1978 (Wet No. 50 van 1978),

vrystel van die bepaling van enige wet betreffende die parkering van 'n motorvoertuig binne sy regsgebied.

Spesiale bepalinge met betrekking tot parkering

32. (1) Ondanks andersluidende bepalinge van die een of ander wet kan 'n plaaslike owerheid in die voorgeskrewe omstandighede en onderworpe aan die voorgeskrewe voorwaardes—

- (a) enigiemand wat, na die mening van die plaaslike owerheid, 'n voorgeskrewe liggaamlike gebrek het; of
- (b) enigiemand wat 'n persoon in paragraaf (a) bedoel, vervoer of bystaan,

vrystel van die bepalinge van enige wet betreffende die parkering van 'n motorvoertuig binne sy regsgebied.

(2) 'n Plaaslike owerheid kan, en moet in die voorgeskrewe omstandighede, spesiale parkeerplekke voorsien vir die uitsluitlike parkering van voertuie wat bestuur word deur persone in subartikel (1) bedoel, en sodanige parkeerplekke moet deur 'n padverkeersteken geïdentifiseer word.

(3) 'n Plaaslike owerheid moet die gebruik van die parkeerplekke bedoel in subartikel (2) op die voorgeskrewe wyse beheer.

(4) Die betrokke plaaslike owerheid reik aan 'n persoon bedoel in subartikel (1) bewys uit van sodanige vrystelling.

LUR kan sekere terugbetalings magtig

33. (1) 'n LUR kan, indien hy of sy oortuig is dat 'n bedrag deur iemand betaal meer is as die bedrag wat behoorlik ingevolge hierdie Wet vorderbaar is, 'n terugbetaling van daardie bedrag of van 'n gedeelte daarvan aan die betrokke persoon magtig.

(2) Die LUR magtig nie enige terugbetaling ingevolge hierdie artikel nie tensy die eis daarvoor binne drie jaar na die datum van die betrokke betaling deur die registrasie-owerheid of provinsiale administrasie ontvang is.

Registrasie-owerheid onderworpe aan inspeksie deur Ouditeur-generaal

34. Die Ouditeur-generaal kan te eniger tyd 'n inspeksie laat uitvoer van die aantekeninge van 'n registrasie-owerheid en die inkomste deur so 'n owerheid kragtens hierdie Wet ingevorder.

Inspeksies om te verseker dat bepalinge van hierdie Wet uitgevoer word

35. (1) Die LUR kan iemand magtig om 'n inspeksie uit te voer wat die LUR nodig ag ten einde te verseker dat die bepalinge van hierdie Wet nagekom word.

(2) Niemand mag 'n persoon in die uitvoering van 'n inspeksie genoem in subartikel (1) dwarsboom of hinder nie.

Afwyking van voorgeskrewe vorm

36. Die LUR kan, in die omstandighede wat hy of sy dienstig ag, 'n registrasie-owerheid of ander owerheid magtig om, in die plek van 'n vorm wat vir 'n besondere doel voorgeskryf word, 'n vorm te gebruik wat afwyk van die voorgeskrewe vorm, en ten opsigte van daardie owerheid word die afwykende vorm geag die voorgeskrewe vorm vir daardie doel te wees.

Handtekening op dokumente

37. Iemand wat nie sy of haar naam kan teken nie, moet, wanneer sy of haar handtekening op enige dokument ingevolge hierdie Wet vereis word, in die plek daarvan die afdruk van sy of haar linkerduim druk in die ruimte waarin hy of sy andersins sy of haar naam sou moes geteken het, en indien sy of haar linkerduimafdruk nie beskikbaar is nie, moet hy of sy in die plek daarvan enigeen van sy of haar vingerafdrukke druk, en in laasgenoemde geval moet die dokument aldus gemerk, deur die beampte in wie se teenwoordigheid die afdruk gemaak is, geëndosseer word om aan te dui watter vinger gebruik is.

Betekening van kennisgewings

38. (1) Wanneer ook al ingevolge hierdie Wet magtiging verleen word of daar vereis word dat enige kennisgewing aan 'n persoon beteken of uitgereik moet word, moet sodanige kennisgewing of persoonlik aan die persoon aan wie dit gerig is, beteken word of per aangetekende pos aan sy of haar jongste bekende adres gestuur word. Met dien verstande dat die adres wat deur die houer van 'n bestuurslisensie tydens sy of haar aansoek om so 'n lisensie verskaf is, of wat teenoor sy of haar naam in 'n register van bestuurslisensies aangeteken is, of die adres wat teenoor die registrasie van 'n voertuig in 'n register van motorvoertuie as die adres van die eienaar van daardie voertuig aangeteken is, as sy of haar domisilie van dagvaarding en eksekusie dien vir alle doeleindes wat voortspruit uit of vir die doeleindes van hierdie Wet, vir die betekening van kennisgewings, pos of prosesstukke aan daardie persoon.

(2) Betekening per aangetekende pos ingevolge subartikel (1) word geag uitgevoer te wees op die tiende dag na die datum gestempel op die bewys van registrasie uitgereik deur die poskantoor wat die kennisgewing aangeneem het.

(3) 'n Sertifikaat deur die beampte wat die kennisgewing genoem in subartikel (1) uitgereik het, of deur 'n persoon wat aan daardie beampte ondergeskik is, waarin die tyd, plek en wyse waarop die kennisgewing uitgereik is, vermeld word, is bewys dat die kennisgewing behoorlik uitgereik is, tensy en totdat die teendeel bewys word.

Staat gebonde

39. Hierdie Wet bind die Staat en enige persoon in die diens van die Staat: Met dien verstande dat die LUR, by kennisgewing in die *Provinsiale Koerant*, die Staat of 'n departement daarvan of enige sodanige persoon van 'n bepaling van hierdie Wet kan vrystel op die voorwaardes wat die LUR bepaal.

Misdrywe en strawwe

40. (1) Iemand wat 'n bepaling van hierdie Wet, of 'n aanwysing, bevel, voorwaarde, vereiste, bepaling of versoek daarkragtens, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1) saamgelees met artikel 11(1), is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

(3) Iemand wat skuldig bevind word aan 'n misdryf ingevolge enige ander bepaling van hierdie Wet, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(4) Ondanks andersluidende bepalings van die een of ander wet is 'n landdroshof bevoeg om enige straf op te lê waarvoor hierdie Wet voorsiening maak.

Verdeling van gelde

41. (1) Behoudens die bepalings van subartikel (2) word alle gelde wat kragtens hierdie Wet betaal word, uitgesonderd gelde wat aan 'n toetsstasie wat nie 'n registrasie-owerheid is nie, betaal . . . [sal deur die provinsies bepaal word]

(2) Die gelde bedoel in subartikel (1) word geadministreer soos voorgeskryf.

Verdeling van boetes

42. (1) Behoudens artikels 6 en 8 van die Konsolidasiewet op Finansiële en Finansiële Reëlinswette, 1977 (Wet No. 11 van 1977), en artikel 341(2)(b) van die Strafproseswet, 1977 (Wet No. 51 van 1977), word alle boetes opgelê of gelde ten opsigte van verbeurde borgtog ten opsigte van 'n oortreding kragtens hierdie Wet, in die . . . [sal deur die provinsies bepaal word] gestort.

(2) Alle boetes opgelê en gelde ten opsigte van verbeurde borgtog met betrekking tot 'n oortreding kragtens 'n verordening ingevolge hierdie Wet uitgevaardig, word aan die owerheid betaal waarop daardie verordening van toepassing is.

Delegering

43. (1) 'n LUR kan—

- (a) enige bevoegdheid by of kragtens hierdie Wet aan hom of haar verleen, aan iemand anders delegeer; en
- (b) iemand anders magtig om enige plig by of kragtens hierdie Wet aan die LUR opgedra, te verrig,

en kan so 'n delegering doen of magtiging verleen onderworpe aan die voorwaardes wat hy of sy goedvind.

(2) 'n Delegering gedoen of magtiging verleen kragtens subartikel (1), kan te eniger tyd deur die LUR ingetrek word.

Herroeping van wette en voorbehoude

44. (1) . . . [sal deur die provinsies voltooi word].

(2) Enige proklamasie, regulasie, verordening, kennisgewing, bevel, verbod, magtiging, aanstelling, toestemming, inligting of dokument uitgevaardig, uitgereik, opgelê, gedoen, verleen, verstrekk of gegee en enige ander stappe gedoen ingevolge enige bepaling van 'n wet deur die Nasionale Padverkeerswet, 1996, herroep, word geag ingevolge die ooreenstemmende bepaling (as daar is) van hierdie Wet uitgevaardig, uitgereik, opgelê, gedoen, verleen, verstrekk of gegee te gewees het.

Kort titel en inwerkingtreding

45. (1) Hierdie Wet heet die Padverkeerswet, 1996 (Provinsie van . . .), en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word, en datums aldus bepaal, kan verskil ten opsigte van verskillende—

- (a) persone of goedere of kategorieë persone of goedere wat deur middel van 'n motorvoertuig vervoer word;
- (b) soorte of klasse motorvoertuie wat by die vervoer van persone of goedere gebruik word;
- (c) persone of kategorieë persone; of
- (d) gebiede in die provinsie.

(3) Meer as een van die elemente vermeld in paragrafe (a) tot en met (d) van subartikel (2) kan by die toepassing van daardie subartikel saamgevoeg word.

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

No. 2

23 April 1998

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatšwago go dira tshedimošetšo ka Kakaretšo:—

No. 5 wa 1997: Molao wa Therafiki ya Tsela ya Setšhaba, 1997.

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MOLAO

Go tliša le go fetola dipeakanyetšo tše amanago le therafiki ya tsela tšeo di swanetšego go šoma mo Profenseng ye, le go thuša bakeng sa ditaba tše di kgokaganego ka gona

(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 21 Januare 1998)

GO BEWA MELAO ke Lekgotla-Peamelao la Profense ya Leboa, ka mo go latelago:—

Ditlhalošo

1. (1) Ka mo go Molao wo, ka ntle le ge diteng di laetša ka mokgwa o mongwe—

“Kgethela” ke go re kgethela ka molawana;

“Leloko la Lekgotla-Phethišo” ke go re leloko la Lekgotla-Phe-thišo le le beilwego go ya ka karolo 149 ya Molaotheo wa Repabliki ya Afrika-Borwa, 1993 (Molao 200 wa 1993), yowe ditaba tša therafiki ya tsela di šetšego di filwe;

“Mohlalobi wa dilaesense” ke go re mohlalobi wa dilaesense yo a beilwego go ya ka Karolo I;

“Mohlakiši-Pharephare” ke gore Mohlakiši-Pharephare wa Taolo ya Profense ya Leboa;

“Mohlankedi wa Therafiki” ke go re mohlokomedi wa therafiki yo a beilwego ka fase ga Kgaolo I le leloko lefe kapa lefe la Tirelo ka mo go hlathollotšwego mo go karolo 1 ya Molao wa Tirelo ya Maphodisa a Afrika-Borwa, 1995 (Molao 68 wa 1995), gomme bakeng sa ditebanyo tša Kgaolo III le IV le karolo 22 le 29 ya Molao wo go akaretša le mohlankedi wa khutšo;

“Mohlokomedi wa therafiki” ke go re mohlokomedi wa therafiki yo a beilwego ka fase ga Kgaolo I;

“Molao wa Therafiki ya Tsela ya Setšhaba, 1996” o akaretša melawana ye e dirilwego ka fase ga Molao woo;

“Molao wo” o akaretša melawana, gomme bakeng sa ditebanyo tša Kgaolo I, II le III tša Molao wo o akaretša gape Molao wa Therafiki ya Tsela ya Setšhaba, 1996, le melawana ye e dirilwego ka fase ga Molao woo;

"molawana" ke go re molawana (e sego molawanyana) wo o dirilwego ka fase ga Molao wo;

"molawanyana" ke go re molawanyana wo o boletšwego mo go Karolo 26;

"Molekodi wa dikoloi" ke go re molekodi wa dikoloi yo a ngwadišitšwego gomme a beilwe go ya ka Kgaolo I;

"Morupiši" ke go re motho ofe kapa ofe yo bakeng sa moputso wa thwii goba o sego thwii—

(a) a hlahla motho o mongwe ofe kapa ofe mo go otleleng ga mmotoro;

(b) a rutago motho o mongwe ofe kapa ofe melao ya tsela goba maswao a therafiki ya tsela gore a tle a hwetše laesense ya go ithuta goba ya go otlela;

"Ngaka" ke go re motho ofe le ofe yo a ngwadišitšwego bjalo ka fase ga Molao wa Kalafo, Meno le Profešene ya Tirelo—Maphelo ya Tlaleletšo, 1994 (Molao 56 wa 1974);

"Profense" ke go re Profense ya Leboa ye e hlomilwego go ya ka karolo 124 ya Molaotheo wa Repabliki ya Afrika-Borwa, 1993 (Molao 200 wa 1993);

"seteišene sa tekolo" ke go re seteišene se se ngwadišitšwego go ya ka karolo 37 ya Molao wa Therafiki ya Tsela ya Setšhaba, 1996;

"taolo ya go ngwadiša" ke go re taolo ya go ngwadiša ye e beilwego ka fase ga karolo 2;

"Tona" ke go re Tona ya Dinamelwa mo go Mmušo wa Setšhaba;

"Tonakgolo" ke go re Tonakgolo ya profense yo a kgethilwego go ya ka karolo 145 ya Molaotheo wa Repabliki ya Afrika-Borwa, 1993 (Molao 200 wa 1993);

(2) Lentšu goba polelo efe kapa efe ye e tlhalošitšwego ka mo go Molao wa Therafiki ya Tsela ya Setšhaba, 1996, eupša e se ya tlhalošwa ka mo go karolwana (1) e tla, ka ntle le ge diteng di laetša ka mokgwa o mongwe, ba le tlhalošo ka moo tlhalošo e filwego go yona ka mo go Molao wa Therafiki ya Tsela ya Setšhaba, 1996.

KGAOLO I

GO NGWADIŠA DITAOLO LE BAHLANKEDI

Peo ya ditaolo tše di ngwadišago

2. (1) Bakeng sa ditebanyo tša Molao wo, Leloko la Lekgotla-Phethišo le tla, ka tsebišo ka mo go *Kuranta ya Profense*, bea taolo ya go ngwadiša ya naga yeo gomme godimo ga ditlamo tšeo di tla bego di akanywa nako le nako.

(2) Leloko la Lekgotla-Phethišo le ka kopanya naga ya taolo ya go ngwadiša efe le efe goba seripa sefe le sefe ka gona le naga ya taolo ya go ngwadiša.

(3) Moo, go tšwago goba ka morago ga tšatšikgwedi ye itšego, taolo ya go ngwadiša (ka mo gare ga karolwana ye e šupeditšwego go ba taolo ya go ngwadiša e mpsha) e ba taolo ya go ngwadiša ya lefelo leo pele le bego le le ka fase ga taolomaatla ya taolo ya go ngwadiša enngwe (go akaretša taolo ya go ngwadiša ye e beilwego ka fase ga molawana wo o fedišitšwego) tšhupetšo efe kapa efe ka gare ga Molao wo goba molawana wo o fedišitšwego go taolo ya go ngwadiša enngwe yeo e tla, go tloga goba ka morago ga tšatšikgwedi yeo, hlathollwa bjalo ka tšhupetšo go taolo ya go ngwadiša e mpsha yeo.

(4) Maatla le mediro ye e neetšwego goba e rwešitšwego taolo ya go ngwadiša ke goba ka fase ga Molao wo e tla dirwe goba ya phethwa bakeng sa taolo ya go ngwadiša yeo ke batho bao ka ge e ka dumelelwa go fihla moo ke taolo ya go ngwadiša.

Peo ya bahlankedi

3. (1) Bakeng sa ditebanyo tša Molao wo—

(a) Leloko la Lekgotla-Phethišo le ka, ka taolo ya melao ye e bušago Tirelo ya Setšhaba gomme godimo ga ditlamo tšeo ka moo a kago akanya, bea bakeng sa profense batho ba bantši e lego—

- (i) bahlahlobi ba dilaesense;
- (ii) balekodi ba dikoloi;
- (iii) balekodi ba dilaesense tša go otlela;
- (iv) bahlankedi ba therafiki; le
- (v) bahlokomedi ba therafiki;

ka mo a ka akanyago go na le mohola;

(b) pušo-selegae yeo e lego taolo ya go ngwadiša e ka, godimo ga ditlamo tšeo ka moo Leloko la Lekgotla-Phethišo le kago kgethela ka tsebišo ka mo go *Kuranta ya Profense*, bea bakeng sa lefelo la yona batho ba bantši e lego—

- (i) bahlahlobi ba dilaesense;
- (ii) balekodi ba dikoloi; le
- (iii) balekodi ba dilaesense tša go otlela,

ka mo e ka akanyago go na le mohola;

(c) pušo-selegae goba tše pedi goba go feta tša dipušo-selegae dife kapa dife di ka re mmogo, godimo ga ditlamo tšeo ka moo Leloko la Lekgotla-Phethišo le kago kgethela ka tsebišo ka mo go *Kuranta ya Profense*, tša bea bakeng

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sa lefelo la yona goba bakeng sa mafelo a tšona a kopantšwe, ka moo go ka bago ka gona, batho ba bantši e le bahlankedi ba therafiki goba bahlankedi ba therafiki ba batlatši ka moo taolo goba ditaolo di ka akanywago go le mohola, gomme bahlankedi bao ba tla šoma—

- (i) mo gare ga lefelo goba mafelo ao; gomme
- (ii) le ka tumelelo ya pele ya Leloko la Lekgotla-Phethišo gomme ka taolo ya ditlamo tša tumelelo yeo, kante ga lefelo goba mafelo ao:

Ge e le gore Leloko la Lekgotla-Phethišo le ka, ka tsebišo ka mo go *Kuranta ya Profense*, tlogela bahlankedi bao go šoma mo go tsela ya setšhaba goba seripa se se šupilwego sefe kapa sefe se ka gona se beilwego ka mo go lefelo la taolotoka ya pušo-selegae;

- (d) pušo-selegae efe kapa efe e ka bea batho e le bahlokome-di ba therafiki goba e le bahlokome-di ba therafiki ba batlatši go šoma goba phetha ka mo go lefelo la yona maatla le mediro yeo ya mohlankedi wa therafiki ka moo Leloko la Lekgotla-Phethišo le kago akanya: Ge e le gore Leloko la Lekgotla-Phethišo le ka—

- (i) dira ditebo tše fapanego mabapi le mafapha a a fapanego a bahlokome-di ba therafiki; gomme
- (ii) e ka ba ka kakaretšo goba mo go itšego, neela ditlamo malebana le go šoma goba phetho ya maatla le mediro yeo;

- (e) Motho goba taolo efe kapa efe ye e akantšwego ke Leloko la Lekgotla-Phethišo ka tsebišo ka mo go *Kuranta ya Profense*, e ka, mo go ditlamo tšeo gomme bakeng sa mafelo ao ka moo go akantšwego ke tsebišo, bea motho ofe kapa ofe e le molekodi wa dikoloi.

(2) Ga go motho yo a tlogo bewa go ya ka karolwana (1) e le mohlankedi yo a dumeletšwego ka ntle le ge a šetše a ngwadišitšwe gomme a hlophilwe go ya ka karolo 5.

(3) Motho ofe kapa ofe yo a beilwego ka fase ga karolwana (1) e le mohlankedi yo a dumeletšwego, o tla re mo go peo ya gagwe a fiwa setifikeiti sa peo ke Leloko la Lekgotla-Phethišo, pušo-selegae, motho goba taolo ye e amanago, go mmea.

(4) (a) Mohlankedi yo a dumeletšwego a ka se šomiše maatla afe kapa afe goba a phetha modiro ofe kapa ofe ka ntle le ge a swere setifikeiti sa peo ya gagwe.

(b) Mohlankedi yo a dumeletšwego o tla hlagiša setifikeiti sa peo sa gagwe ka kgopelo ya motho ofe kapa ofe yo a nago le kgahlego ye e lebanego mo go taba ye e angwago.

- (f) nyaka mong, mosepediši, mootledi goba motho yo a hlokomelago koloi efe kapa efe semeetseng go fa leina le aterese ya gagwe, gomme afe ditlhalošišo tše dingwe dife kapa dife tše nyakwago go boitsebišo bja gagwe, gomme mo go lebanego, go hlagiša ka pelapela phomete ya go otlela ya profešene;
- (g) nyaka go tšwa go motho ofe kapa ofe go hlagiša ka pelapela laesense goba tumelelo ye e kgethetšwego enngwe efe kapa efe e mo dumelela go otlela mmotoro, gomme go hlagiša tokumente enngwe efe kapa efe yeo a kgopelwago go ba le yona mabapi le mmotoro ofe kapa ofe go ya ka Molao wo;
- (h) tšea laesense goba tokumente efe le efe ye e hlagišitšwego go yena go ya ka temana (g) yeo ka kakanyo ya gagwe a ka ba le bohlatse bja tlolo ya molato goba tšhirigo ya peakanyetšo efe kapa efe ya Molao wo, gomme moo laesense goba tokumente efe kapa efe e tšerwego bjalo, mohlalobi o tla hlagiša rasiti mabapi le seo ka gona go motho yo a angwago;
- (i) nyaka motho ofe kapa ofe ge goba ge e se gore motho yoo o ka gare ga koloi efe kapa efe, go fa leina le aterese ya gagwe le go fa ditlhalošišo tše dingwe dife kapa dife tše nyakwago go boitsebišo bja gagwe, gammogo le pego yeo ka mo e lego mo maatleng a gagwe go fa gomme yeo e ka re laetšago boitsebišo bja mong, mosepediši goba mootledi wa koloi yeo;
- (j) nyaka go motho ofe kapa ofe go mo fa pego efe le efe ye e lego maatleng a gagwe go motho owe go fa gomme yeo e ka laetšago boitsebišo bja mootledi, mong, mosepediši goba motho yo a hlokometšego koloi ka nako efe le efe goba mo pakeng efe le efe; goba
- (k) mo nakong ye e swanelago efe le efe, go lebeletšwe mabaka a taba, ka ntle le tsebišo ya pele, le ka tirišo ya maatla afe kapa afe goba phetho ya modiro ofe kapa ofe woo go ya ka Molao wo a dumeletšwego goba a nyaka go šoma goba phetha, a tsena mo mafelong afe kapa afe moo a nago le lebaka la go tshepa gore koloi efe kapa efe e beilwe.

Maatla le mediro ya molekodi wa dikoloi

8. (1) Molekodi wa dikoloi a ka hlahloba, lekola gomme a dira tekolo go koloi efe le efe go tlo akanya ge e na le maswanedi a tsela gomme bakeng sa tebanyo yeo a ka hlahlamolla koloi goba seripa sefe kapa sefe ka gona goba ditlabakelo goba ditlaleletši tša yona: Ge e le gore o tla kgobokanya gape koloi efe kapa efe yeo a e hlahlamollotšego bjalo ka ntle le ge a kgopetšwe ke motho yo a hlokomelago koloi gore a se dire bjalo.

(2) Molekodi wa dikoloi a ka otlela koloi efe kapa efe ge go nyakego mo phethong ya mediro ya gagwe, ge, mo tabeng ya mmotoro, a na le laesense ya go otlela mmotoro wa legoro le le angwago: Ge e le gore mo lebakeng la motho yo e lego segole mmeleng molekodi wa dikoloi a ka kgopela moswari wa laesense ya go otlela ye e nepagetšego go otlela koloi ye e diretšwego batho bao e lego digole mmeleng ka taolo ya tlhahlo ya gagwe gomme a le gona.

Maatla le mediro ya molekodi wa dilaesense tša go otlela

9. (1) Molekodi wa dilaesense tša go otlela a ka lekola mokgopedi ofe kapa ofe bakeng sa laesense ya moithuti goba laesense ya go otlela ka mokgwa le malebana le ditaba ka mo di kgethetšwego ke Molao wa Therafiki ya Tsela ya Setšhaba, 1996, go tlo akanya ge mokgopedi owe e le yo a swanelago gomme a na le bokgoni bja go hwetša laesense ya moithuti goba ya go otlela legoro la koloi yeo a le kgopetšego.

(2) Ga go molekodi wa dilaesense tša go otlela a tlogo lekola mokgopedi bakeng sa laesense ya go otlela go ya ka Molao wa Therafiki ya Tsela ya Setšhaba, 1996, ka ntle le ge molekodi owe a na le laesense ya go otlela koloi ya legoro leo mokgopedi a le kgopetšego go hwetša laesense ya go otlela goba ya legoro ka mo go kgethetšwego.

Maatla le mediro ya mohlankedi wa therafiki

10. Go koketšo ya maatla le mediro ye a filwego go gongwe ka mo molaong wo, mohlankedi wa therafiki a ka, ka taolo ya dipeakanyetšo tša Molao wo le molao o mongwe ofe kapa ofe—

- (a) diriša goba phetha maatla goba mediro efe kapa efe ye e neetšwego mohlalobi wa dilaesense go ya ka karolo 7;
- (b) ge o apere yunifomo, nyaka mootledi wa koloi efe kapa efe go emiša koloi yeo;
- (c) hlahloba, lekola goba a dira gore a hlahlobje gomme a lekolwe ke motho yo a akanywago a na le bokgoni bja go dira bjalo, seripa sefe le sefe le go šoma ga koloi enngwe le enngwe, le ditlabelo ka gona, ka tebelelo ya go kgonthiša ge e ba koloi yeo goba go šomišwa ka gona gomme le ditlabelo ge di dumelelena le dipeakanyetšo tša Molao wa Therafiki ya Tsela ya Setšhaba, 1996:

Ge e le gore ga go mohlankedi goba motho owe a laeditšwego ke mohlankedi owe go hlahloba goba lekola koloi yeo o tla, mo go tšhomišo ya taolo ye e neetšwego yena fa ka gona, hlahlamolla bomotšhene goba diripa tša go šoma dife kapa dife tša mmotoro ofe kapa ofe ka ntle le ge e le rametšhene yo a nago le bokgoni goba yo a phasitšego tlhahlobo ya balekodi ba dikoloi ka mo go kgethetšwego, gomme ge a šetše a hlahlamotše koloi yeo, o tla e kgobokanya gape bomotšhene goba diripa tše di hlahlamotšwego ka ntle le ge a kgopetšwe ke motho yo a hlokometšego koloi gore a se dire bjalo;

- (d) kgonthiša ditekanyo tša morwalo godimo ga, goba morwalo wa bontši bja ase, goba morwalo wa kelo ya ase ya, koloi efe kapa efe, goba bja tlhakanyo efe le efe ya koloi, ye e rwelego goba ye e sego ya rwala, gomme ge go nyakega bakeng sa tebanyo ya go kgonthiša boima bjoo, nyaka koloi efe kapa efe goba tlhakanyo ya dikoloi go išwa go boimametara goba sedirišwa sa go ela boima, gomme ge boima bja koloi goba tlhakanyo efe le efe ya koloi, ye e rwelego goba ye e sego ya rwala, gomme ge go nyakega bakeng sa tebanyo ya go kgonthiša boima bjoo, nyaka koloi efe kapa efe goba tlhakanyo ya dikoloi go išwa go boimametara goba sedirišwa sa go ela boima, gomme ge boima bja koloi goba tlhakanyo efe kapa efe ya dikoloi e feta boima bjo bo dumeletšwego go ya ka Molao wa Therafiki ya Tsela ya Setšhaba, 1996, bo thibela tshepedišo ya koloi goba tlhakanyo ya dikoloi tšeo mo go tsela ya setšhaba go fihlela ge boima bjoo bo fokoditšwe goba beakantšwe go dumelelana le Molao wo: Ge e le gore moo morwalo godimo ga koloi o akaretša thoto ye e nago le kotsi ka mo e boletšwego ka mo go Molao wa Dithoto tše Kotsi (Molao 15 wa 1973), phokotšo le tshwaro ya boima di swanetše go tšewa go ya ka Molao wo;
- (e) otlela koloi efe kapa efe ge go nyakega mo phethong ya mediro ya gagwe ge, mo go taba ya mmotoro ofe kapa ofe, a na le laesense ya go otlela mmotoro wa legoro le angwago;
- (f) ge motho ofe kapa ofe, e ka ba mootledi goba yo a ka bego a hlokomela koloi, a itšweletša go mohlankedi owe, ka lebaka la maemo a mmele goba monagano wa gagwe a hlaga ka mokgwa ofe kapa ofe, go se kgone ka nako yeo go otlela goba go hlokomela koloi yeo gomme a dira dipeakanyo tšeo bakeng sa taolo ye e bolokegilego goba go bewa ga koloi ka ge ka kakanyo ya gagwe e kago nyakega goba kganyogega mo maemong;
- (g) dira molao gomme a laola therafiki mo go tsela ya setšhaba efe kapa efe, gomme a fa ditaetšo tšeo ka ge di ka, ka kakanyo ya gagwe, ba tše nyakegago bakeng sa molawana wo o bolokegilego le wo o kgonago wa therafiki gomme, moo a akanyago gore mootledi wa mmotoro o tshwenyana goba thibela tshepelo ye e tlwaelegilego ya therafiki mo tseleng ya setšhaba, laela mootledi go tloša koloi mo tseleng yeo gomme a latele tsela enngwe ka koloi;
- (h) nyaka motho ofe kapa ofe kapa ofe go fa leina le aterese gomme a fe ditlhalošišo tše dingwe dife kapa dife tšeo di nyakwago bakeng sa boitsebišo bja gagwe goba bakeng sa tshepetšo efe le efe ge mohlankedi owe a belaela ka mo go

kwalago motho owe go ba a obile molato ka fase ga Molao wo goba ge ka kakanyo ya mohlankedi owe o kgona go fa bohlatse malebana le khomišene goba khomišene ye e belaelwago ya molato owe ofe le ofe;

- (i) mabapi le mmotoro ofe kapa ofe, nyaka go tšwa go mong, mosepediši goba mootledi ka gona go hlagiša tokumente efe kapa efe ye e kgethetšwego go ya ka Molao wo;
- (j) tšea tokumente efe kapa efe ye e šupilwego mo go temana
 - (i) ye e hlagišitšwego go yena gomme yeo ka kakanyo ya gagwe a ka kgona bohlatse bja tshelo ya molato wa goba a palelwa ke go dumelana le dipeakanyetšo tša Molao wo gomme moo tokumente efe kapa efe e tšerwego bjalo mohlankedi wa therafiki o tla fa rasiti ka gona go motho yo a angwago;
- (k) nyaka mootledi goba mosepediši yo a kgonago goba mong wa mmotoro ofe kapa ofe go hlagiša bakeng sa tlhahlobo gomme go ba le kopi ye e dirilwego go tšwa go—
 - (i) rekhoto goba tokumente efe kapa efe yeo motho yoo a e kgopelwago go ya ka Molao wo go e rwala goba go e swara mo go yena goba yeo e nyakwago go kgorametšwa mo go mmotoro owe ofe kapa ofe; goba
 - (ii) rekhoto efe kapa efe yeo motho owe a e kgopelwago go ya ka Molao wo go e boloka;
- (l) tsena ka nako efe kapa efe ka mo mmotorong ofe kapa ofe wa mosepediši gomme a hlahloba koloi yeo;
- (m) tsena ka nako efe kapa efe mo go lefelo lefe kapa lefe moo go lona a nago le lebaka la go dumela gore mmotoro wa mosepediši o beilwe goba gore rekhoto efe kapa efe goba tokumente enngwe ye e nyakwago go bolokwa go ya ka Molao wo di tlo hwetšwa, gomme a hlahloba koloi yeo, gomme a hlahloba a ba a dira kopi ya rekhoto goba tokumente yeo efe kapa efe, ye a e hwetšago mowe;
- (n) ge a na le lebaka la go dumela gore molato ka fase ga Molao wo o šetše o dirilwe mabapi le rekhoto goba tokumente efe kapa efe ye e hlahlobilwego ke yena, a tšea rekhoto goba tokumente, gomme moo tokumente efe kapa efe e tšewago bjalo, mohlankedi wa therafiki o tla fa rasiti go motho yo a angwago ka gona;
- (o) hlahloba mmotoro goba seripa sefe kapa sefe ka gona gomme a tšea tokumente ye e hlagišitšwego malebana le ngwadišo le go fa laesense mmotoro owe woo amanago le mmotoro entšene le tšhesi ya mmotoro owe e fapana le nomoro ya entšene goba tšhesi ka mo e laeditšwego mo go tokumente, gomme a laele gore mmotoro owe o išwe ka nako yeo seteišeneng sa maphodisa sefe kapa sefe se se

- (d) kgonthiša ditekanyo tša morwalo godimo ga, goba morwalo wa bontši bja ase, goba morwalo wa kelo ya ase ya, koloi efe kapa efe, goba bja tlhakanyo efe le efe ya koloi, ye e rwelego goba ye e sego ya rwala, gomme ge go nyakega bakeng sa tebanyo ya go kgonthiša boima bjoo, nyaka koloi efe kapa efe goba tlhakanyo ya dikoloi go išwa go boimametara goba sedirišwa sa go ela boima, gomme ge boima bja koloi goba tlhakanyo efe le efe ya koloi, ye e rwelego goba ye e sego ya rwala, gomme ge go nyakega bakeng sa tebanyo ya go kgonthiša boima bjoo, nyaka koloi efe kapa efe goba tlhakanyo ya dikoloi go išwa go boimametara goba sedirišwa sa go ela boima, gomme ge boima bja koloi goba tlhakanyo efe kapa efe ya dikoloi e feta boima bjo bo dumeletšwego go ya ka Molao wa Therafiki ya Tsela ya Setšhaba, 1996, bo thibela tshepedišo ya koloi goba tlhakanyo ya dikoloi tšeo mo go tsela ya setšhaba go fihlela ge boima bjoo bo fokoditšwe goba beakantšwe go dumelelana le Molao wo: Ge e le gore moo morwalo godimo ga koloi o akaretša thoto ye e nago le kotsi ka mo e boletšwego ka mo go Molao wa Dithoto tše Kotsi (Molao 15 wa 1973), phokotšo le tshwaro ya boima di swanetše go tšewa go ya ka Molao wo;
- (e) otlela koloi efe kapa efe ge go nyakega mo phethong ya mediro ya gagwe ge, mo go taba ya mmotoro ofe kapa ofe, a na le laesense ya go otlela mmotoro wa legoro le angwago;
- (f) ge motho ofe kapa ofe, e ka ba mootledi goba yo a ka bego a hlokomela koloi, a itšweletša go mohlankedi owe, ka lebaka la maemo a mmele goba monagano wa gagwe a hlaga ka mokgwa ofe kapa ofe, go se kgone ka nako yeo go otlela goba go hlokomela koloi yeo gomme a dira dipeakanyo tšeo bakeng sa taolo ye e bolokegilego goba go bewa ga koloi ka ge ka kakanyo ya gagwe e kago nyakega goba kganyogega mo maemong;
- (g) dira molao gomme a laola therafiki mo go tsela ya setšhaba efe kapa efe, gomme a fa ditaetšo tšeo ka ge di ka, ka kakanyo ya gagwe, ba tše nyakegago bakeng sa molawana wo o bolokegilego le wo o kgonago wa therafiki gomme, moo a akanyago gore mootledi wa mmotoro o tshwenyana goba thibela tshepelo ye e tlwaelegilego ya therafiki mo tseleng ya setšhaba, laela mootledi go tloša koloi mo tseleng yeo gomme a latele tsela enngwe ka koloi;
- (h) nyaka motho ofe kapa ofe kapa ofe go fa leina le aterese gomme a fe ditlhalošišo tše dingwe dife kapa dife tšeo di nyakwago bakeng sa boitsebišo bja gagwe goba bakeng sa tshepetšo efe le efe ge mohlankedi owe a belaela ka mo go

- kwalago motho owe go ba a obile molato ka fase ga Molao wo goba ge ka kakanyo ya mohlankedi owe o kgona go fa bohlatse malebana le khomišene goba khomišene ye e belaelwago ya molato owe ofe le ofe;
- (i) mabapi le mmotoro ofe kapa ofe, nyaka go tšwa go mong, mosepediši goba mootledi ka gona go hlagiša tokumente efe kapa efe ye e kgethetšwego go ya ka Molao wo;
- (j) tšea tokumente efe kapa efe ye e šupilwego mo go temana (i) ye e hlagišitšwego go yena gomme yeo ka kakanyo ya gagwe a ka kgona bohlatse bja tshelo ya molato wa goba a palelwa ke go dumelana le dipeakanyetšo tša Molao wo gomme moo tokumente efe kapa efe e tšerwego bjalo mohlankedi wa therafiki o tla fa rasiti ka gona go motho yo a angwago;
- (k) nyaka mootledi goba mosepediši yo a kgonago goba mong wa mmotoro ofe kapa ofe go hlagiša bakeng sa tlhahlobo gomme go ba le kopi ye e dirilwego go tšwa go—
- (i) rekhoto goba tokumente efe kapa efe yeo motho yoo a e kgopelwago go ya ka Molao wo go e rwala goba go e swara mo go yena goba yeo e nyakwago go kgorametšwa mo go mmotoro owe ofe kapa ofe; goba
- (ii) rekhoto efe kapa efe yeo motho owe a e kgopelwago go ya ka Molao wo go e boloka;
- (l) tsena ka nako efe kapa efe ka mo mmotorong ofe kapa ofe wa mosepediši gomme a hlahloba koloi yeo;
- (m) tsena ka nako efe kapa efe mo go lefelo lefe kapa lefe moo go lona a nago le lebaka la go dumela gore mmotoro wa mosepediši o beilwe goba gore rekhoto efe kapa efe goba tokumente enngwe ye e nyakwago go bolokwa go ya ka Molao wo di tlo hwetšwa, gomme a hlahloba koloi yeo, gomme a hlahloba a ba a dira kopi ya rekhoto goba tokumente yeo efe kapa efe, ye a e hwetšago mowe;
- (n) ge a na le lebaka la go dumela gore molato ka fase ga Molao wo o šetše o dirilwe mabapi le rekhoto goba tokumente efe kapa efe ye e hlahlobilwego ke yena, a tšea rekhoto goba tokumente, gomme moo tokumente efe kapa efe e tšewago bjalo, mohlankedi wa therafiki o tla fa rasiti go motho yo a angwago ka gona;
- (o) hlahloba mmotoro goba seripa sefe kapa sefe ka gona gomme a tšea tokumente ye e hlagišitšwego malebana le ngwadišo le go fa laesense mmotoro owe woo amanago le mmotoro entšene le tšhesi ya mmotoro owe e fapana le nomoro ya entšene goba tšhesi ka mo e laeditšwego mo go tokumente, gomme a laele gore mmotoro owe o išwe ka nako yeo seteišeneng sa maphodisa sefe kapa sefe se se

KGAOLO II

BARUPIŠI

Morupiši a ngwadišwe gomme a hlopše

13. (1) Ga go motho yo a tlogo šoma bjalo ka morupiši ka ntle le ge a ngwadišitšwe gomme a hlopša go ya ka karolo 15.

(2) Ga go motho yo a tlogo hira motho o mongwe ofe kapa ofe e le morupiši, goba a šomiša ditirelo tša gagwe tša borupiši, ka ntle le ge motho owe a ngwadišitšwe go ba morupiši go ya ka karolo 15.

Kgopelo ya ngwadišo go ba morupiši

14. (1) Motho yo a kganyogago gore a ngwadišwe go ba morupiši o tla dira kgopelo go Leloko la Lekgotla-Phethišo ka mokgwa wo o kgethetšwego ka gona.

(2) Kgopelo ye e šupilwego mo go karolwana (1) e tla sepetšwa mmogo le ditefelo tše di kgethetšwego.

Ngwadišo le tlhopho ya barupiši

15. Ge Leloko la Lekgotla-Phethišo le kgotsofetše gore mokgopedi yo a šupilwego mo go karolo 15 o phethagatša dithuto tša bokgoni le tlhopho ka mo di kgethetšwego mabapi le lefapha le itšego la kgopelo, o tla ngwadiša gomme a hlopha mokgopedi owe ka mokgwa wo o kgethetšwego.

Phego le khantshelo ya ngwadišo ya morupiši

16. Leloko le Lekgotla-Phethišo le ka, ka mokgwa wo o kgethetšwego, fega mo pakeng yeo a ka akanyago e swanela, goba a khantshela, ngwadišo ya morupiši ge morupiši owe—

(a) ka kakanyo ya Leloko la Lekgotla-Phethišo a bonwe molato wa boitshwaro mo tšhomišong ya maatla a gagwe phethagatšong ya mediro ya gagwe; goba

(b) a paletšwe ke go ba gona thutong ya go itlhabolla ye e lebanego mo lefelong la tlhahlo le le dumeletšwego ke Leloko la Lekgotla-Phethišo mo go paka ye e kgethetšwego.

KGAOLO III

BAHLAHLOBI BA DITEIŠENE TŠA TEKOLO LE MAFELO A TEKOLO YA DILAESENSE TŠA BAOTLEDI

Peo ya bahlahlobi ba diteišene tša tekolo

17. (1) Leloko la Lekgotla-Phethišo le tla bea motho, pušo goba mokgahlo go ba bahlahlobi ba profense ba diteišene tša bolekoalelo.

(2) Maatla le mediro ya bahlahlobi bao ba bolelwago ba diteišene tša bolekoalelo ka tswalano le bohlahlobi le taolo ya maemo, le mešomo ya diteišene tša bolekoalelo e tla kgethelwa.

(3) Leloko la Lekgotla-Phethišo le ka, mabapi le go fediša tshenyegelo yeo e hlotšwego ke goba legatong la bahlahlobi bao ba bolelwago ka dinepo tša go phethagatša mešomo ya yona, kgethela ditefelo go lefelwa mabapi le tlhahlobo e nngwe le nngwe yeo e sepedišwago goba teko yeo e phethagatšwago mabapi le boswanedi bja tsela bja mmotoro.

Peo ya bahlahlobi ba mafelo a tekolo ya dilaesense tša bootledi

18. (1) Leloko la Lekgotla-Phethišo le tla bea motho, pušo goba mokgahlo go ba mohlalobi wa profense wa mafelo a tekolo ya dilaesense.

(2) Maatla le mediro ya bahlahlobi bao ba tswalanago le bohlahlobi le taolo ya maemo, tlhopho le mešomo ya mafelo a tekolo ya dilaesense tša bootledi e tla kgethelwa.

(3) Leloko la Lekgotla-Phethišo le ka, gore go phumolwe tshenyegelo yeo e hlotšwego ke goba legatong la mohlalobi yoo a bolelwago ka dinepo tša go šoma mešomo ya gagwe, kgethela ditefelo tša go lefelwa mabapi le ditekolo tše di phethagatšwago mabapi le karolo ye.

KGAOLO IV

DITEFELO TŠA GO PHAKA

Maatla a pušo-selegae go koleka ditefelo tša go phaka

19. (1) Pušo-selegae e ka, ka sephetho le ka dinepo tša go bolelwa ka gare ga karolwana (3)(a), bea ditefelo mabapi le go phakwa ga mebotoro godimo ga tsela efe le efe ya setšhaba, goba karolo ya yona ka gare ga tikologo ya tikologosemolao ya yona.

(2) Ditefelo tše di šupetšwago ka go karolwana (1) di ka no fapana mabapi le ditsela tša setšhaba tše di fapafapanago goba dikarolo tše fapafapanago tša yona tsela ya setšhaba yeo e swanago.

(3) (a) Ge mithara wa go phaka o hlometšwe nepo ya go koleka ditefelo goba ka tebelelo ya go laola therafiki, o tla hlomiwa mabapi le sekhutlwana goba dikhutlwana tša go phaka tšeo di thadilwego gomme godimo go tla bewa taetšo ya go laetša matsatši le diiri tšeo go tlogo lefelwa go phaka le kgoboko ya go lefela paka e itšego ya go phaka.

(b) Ge mokgwa ofe le ofe ntle le wa mithara wa go phaka o šomišwa go koleka ditefelo tšeo di šupetšwago ka go karolwana (1), go tla dirwa peakanyetšo ya leswao leo le tlogo go laetšwa kua dikhutlong tša go phaka tšeo di amegago, leo le laetšago matsatši le diiri ge go lefelwa go phakwa, kgoboko ya go lefelwa ya paka e itšego ya go phaka le mokgwa wa tefelo ya paka e itšego ya go phaka.

(4) (a) Paka ya nako yeo ka yona mmotoro o kago go phakiwa ka molao sekhutlwane sa go phaka seo se šupetšwago ka go karolwana (3)(a), e tla, ntle le ge lehlakore le lengwe le netefatšwa, ba bjalo ka ge go lekantšhwa ke mithara wa go phaka wa sekhutlwana sona seo.

(b) Ge mokgwa ofe le ofe ka ntle le wa mithara wa go phaka o šomišwa go koleka ditefelo tšeo di šupetšwago ka go karolwana (1), paka ya nako yeo ka yona mmotoro o ka phakiwago semolao ka gare ga sekhutlwana sa go phaka seo se šupetšwago ka gare ga karolwana (3) (b), o tla, ntle le ge lehlakore le lengwe le netefatšwa, ba bjalo ka ge go lekantšhwa ka mokgwa woo o amegago mabapi le koloi yeo e amegago.

(5) Pušo-selegae efe le efe e ka hloma godimo ga tsela ya setšhaba ka gare ga tikologo ya tikologo-semolao ya yona direnke goba ditsha (tša go tsebja ka go ba mafelo a itšego a go phaka) tša go phakwa ga mebotoro ya go rwala banamedi goba mohuta ofe le ofe wa wona mmotoro woo o kgethetšwego, gomme e ka hlama melawana ya go sepediša le go laola tšhomišo ya mafelo a go phaka ao a itšego—

(a) go beakanyetša go ntšhwa ga ditumelelo tša go aba mafelo a go phaka a a itšego goba dikarolwana tša tšona go batho ba itšego goba dikoloi go šomišetšwa tšona feela.

(b) go thibela tšhomišo ya lefelo lefe le lefe le itšego la go phaka goba karolwana ya go fiwa ke motho ofe le ofe yo mongwe goba koloi;

(c) go bea ditefelo mabapi le tšhomišo yo mafelo a go phaka ao a ikgethilego; le

(d) go beakanyetša ditaba tšeo di amanago le tšona:

Ge feela e le gore dipeakanyetšo di ka no dirwa ka gare ga tumelelo efe le efe goba ka gare ga mpshafatšo efe le efe ya yona ka go kgaolela diiri tšeo nakong ya tšona moswari a tlogo go ba le tirišo e le noši ya lefelo le itšego la go phaka leo nakong ya lona tšhomišo ya lona le motho ofe le ofe yo mongwe goba koloi e ilešwago.

(6) Kabong ya mathomo ya lefelo lefe le lefe la go phaka leo le ikgethilego goba karolwana yeo e šupetšwago ka go karolwana (5), pušo-selegae e tla re go ya bokgole bjoo bo kgonagalago ya ela hloko botelele bja nako yeo ka yona mokgopedi wa yona a hirilwego ka kgwebong ya go rwala banamedi go humana moputso ka legorwana la senamelwa seo se amegago.

(7) Melawana yeo e dirilwego go ya ka karolwana (5) e tla beakanyetša mpshafatšo ya ngwaga ka taolo ya boitshwaro bjo bo botse bja mokgopedi, ya tokelo ya go šomiša lona lefelo lefe le lefe leo la go phaka leo le itšego, goba karolwana ya lona.

(8) Ditefelo ka moka ka pušo-selegae ka tsela ya dimithara tša go phaka, goba mabapi le kgoba sa go phaka goba lefelo la go phaka bjalo ka ge le bolelwa ka ge karolo ye, di tla, ntle le ka tumelelo ya Leloko la Lekgotla-Phethišo leo le amegago, šomišwa fela go phumola ditefelo tša, le go amana le sekimi sefe le sefe, mošomo goba tiro efe le efe ya kaonafatšo goba taolo ya mabaka a therafiki ka gare ga tikologo ya yona pušo-selegae yeo, go akaretšwa ditefelo tša tlhomo le pabalelo ya wona woo mmithara wa go phaka tikologo ya go phaka goba lefelo le kgethegilego leo la go phaka.

(9) Tšhomišo ya maatla a yona ka pušo-selegae ka fase ga karolo ye e ka se dire pušo gore e be le tlamego mabapi le tobo ya goba tshenyego ya koloi efe le efe goba diteng goba dikopantšho tša yona koloi efe le efe yeo e lego ka gare ga sekhutlo sa go phaka, tikologo ya go phaka goba lefelo la go phaka leo le kgethegilego.

KGAOLO V

DIKGOPOLO LE TSHEPEDIŠO YA SEMOLAO

Kgopolo mabapi le tsela ya setšhaba, tsela-tokollwa le tsela ya setšhaba tikologong ya ditoropo

20. (1) Fao ka gare ga tshekišo efe le efe ka fase ga Molao wo go bolelwago gore tshenyo e dirilwego tseleng ya setšhaba, tsela yeo e amegago e tla, go fihlela ge lehlakore le lengwe le laetšwa, gopolwa go ba e le tsela ya setšhaba.

(2) Fao ka gare ga tshekišo efe le efe ka fase ga Molao wo go bolelwago gore tshenyo e hlotšwe godimo ga tsela-tokollwa, tsela yona yeo e amegago e tla, go fihlela lehlakore le lengwe le laetšwa, tšewa go ba tsela-tokollwa.

(3) Fao ka gare ga tshekišo ka fase ga Molao wo go bolelwago gore tshenyo e hlotšwe godimo ga tsela ya setšhaba ka gare ga tikologo-setoropo, tsela yona yeo e tla, go fihlela lehlakore le lengwe le laetšwa, tšewa go ba tsela ya setšhaba ka gare ga tikologo-setoropo.

(3) (a) Ge mithara wa go phaka o hlometšwe nepo ya go koleka ditefelo goba ka tebelelo ya go laola therafiki, o tla hlomiwa mabapi le sekhutlwana goba dikhutlwana tša go phaka tšeo di thadilwego gomme godimo go tla bewa taetšo ya go laetša matšatši le diiri tšeo go tlogo lefelwa go phaka le kgoboko ya go lefela paka e itšego ya go phaka.

(b) Ge mokgwa ofe le ofe ntle le wa mithara wa go phaka o šomišwa go koleka ditefelo tšeo di šupetšwago ka go karolwana (1), go tla dirwa peakanyetšo ya leswao leo le tlogo go laetšwa kua dikhutlong tša go phaka tšeo di amegago, leo le laetšago matšatši le diiri ge go lefelwa go phakwa, kgoboko ya go lefelwa ya paka e itšego ya go phaka le mokgwa wa tefelo ya paka e itšego ya go phaka.

(4) (a) Paka ya nako yeo ka yona mmotoro o kago go phakiwa ka molao sekhutlwane sa go phaka seo se šupetšwago ka go karolwana (3)(a), e tla, ntle le ge lehlakore le lengwe le netefatšwa, ba bjalo ka ge go lekantšhwa ke mithara wa go phaka wa sekhutlwana sona seo.

(b) Ge mokgwa ofe le ofe ka ntle le wa mithara wa go phaka o šomišwa go koleka ditefelo tšeo di šupetšwago ka go karolwana (1), paka ya nako yeo ka yona mmotoro o ka phakiwago semolao ka gare ga sekhutlwana sa go phaka seo se šupetšwago ka gare ga karolwana (3)(b), o tla, ntle le ge lehlakore le lengwe le netefatšwa, ba bjalo ka ge go lekantšhwa ka mokgwa woo o amegago mabapi le koloi yeo e amegago.

(5) Pušo-selegae efe le efe e ka hloma godimo ga tsela ya setšhaba ka gare ga tikologo ya tikologo-semolao ya yona direnke goba ditsha (tša go tsebja ka go ba mafelo a itšego a go phaka) tša go phakwa ga mebotoro ya go rwala banamedi goba mohuta ofe le ofe wa wona mmotoro woo o kgethetšwego, gomme e ka hlama melawana ya go sepediša le go laola tšhomišo ya mafelo a go phaka ao a itšego—

(a) go beakanyetša go ntšhwa ga ditumelelo tša go aba mafelo a go phaka a a itšego goba dikarolwana tša tšona go batho ba itšego goba dikoloi go šomišetšwa tšona feela.

(b) go thibela tšhomišo ya lefelo lefe le lefe le itšego la go phaka goba karolwana ya go fiwa ke motho ofe le ofe yo mongwe goba koloi;

(c) go bea ditefelo mabapi le tšhomišo yo mafelo a go phaka ao a ikgethilego; le

(d) go beakanyetša ditaba tšeo di amanago le tšona:

Ge feela e le gore dipeakanyetšo di ka no dirwa ka gare ga tumelelo efe le efe goba ka gare ga mpshafatšo efe le efe ya yona ka go kgaolela diiri tšeo nakong ya tšona moswari a tlogo go ba le tirišo e le noši ya lefelo le itšego la go phaka leo nakong ya lona tšhomišo ya lona le motho ofe le ofe yo mongwe goba koloi e ilešwago.

(6) Kabong ya mathomo ya lefelo lefe le lefe la go phaka leo le ikgethilego goba karolwana yeo e šupetšwago ka go karolwana (5), pušo-selegae e tla re go ya bokgole bjoo bo kgonagalago ya ela hloko botelele bja nako yeo ka yona mokgopedi wa yona a hirilwego ka kgwebong ya go rwala banamedi go humana moputso ka legorwana la senamelwa seo se amegago.

(7) Melawana yeo e dirilwego go ya ka karolwana (5) e tla beakanyetša mpshafatšo ya ngwaga ka taolo ya boitshwaro bjo bo botse bja mokgopedi, ya tokelo ya go šomiša lona lefelo lefe le lefe leo la go phaka leo le itšego, goba karolwana ya lona.

(8) Ditefelo ka moka ka pušo-selegae ka tsela ya dimithara tša go phaka, goba mabapi le kgoba sa go phaka goba lefelo la go phaka bjalo ka ge le bolelwa ka ge karolo ye, di tla, ntle le ka tumelelo ya Leloko la Lekgotla-Phethišo leo le amegago, šomišwa fela go phumola ditefelo tša, le go amana le sekimi sefe le sefe, mošomo goba tiro efe le efe ya kaonafatšo goba taolo ya mabaka a therafiki ka gare ga tikologo ya yona pušo-selegae yeo, go akaretšwa ditefelo tša tlhomo le pabalelo ya wona woo mmithara wa go phaka tikologo ya go phaka goba lefelo le kgethegilego leo la go phaka.

(9) Tšhomišo ya maatla a yona ka pušo-selegae ka fase ga karolo ye e ka se dire pušo gore e be le tlamego mabapi le tobo ya goba tshenyego ya koloi efe le efe goba diteng goba dikopantšho tša yona koloi efe le efe yeo e lego ka gare ga sekhutlo sa go phaka, tikologo ya go phaka goba lefelo la go phaka leo le kgethegilego.

KGAOLO V

DIKGOPOLO LE TSHEPEDIŠO YA SEMOLAO

Kgopolo mabapi le tsela ya setšhaba, tsela-tokollwa le tsela ya setšhaba tikologong ya ditoropo

20. (1) Fao ka gare ga tshekišo efe le efe ka fase ga Molao wo go bolelwago gore tshenyo e dirilwego tseleng ya setšhaba, tsela yeo e amegago e tla, go fihlela ge lehlakore le lengwe le laetšwa, gopolwa go ba e le tsela ya setšhaba.

(2) Fao ka gare ga tshekišo efe le efe ka fase ga Molao wo go bolelwago gore tshenyo e hlotšwe godimo ga tsela-tokollwa, tsela yona yeo e amegago e tla, go fihlela lehlakore le lengwe le laetšwa, tšewa go ba tsela-tokollwa.

(3) Fao ka gare ga tshekišo ka fase ga Molao wo go bolelwago gore tshenyo e hlotšwe godimo ga tsela ya setšhaba ka gare ga tikologo-setoropo, tsela yona yeo e tla, go fihlela lehlakore le lengwe le laetšwa, tšewa go ba tsela ya setšhaba ka gare ga tikologo-setoropo.

Kgopolo ya gore mong o otletše goba o phakile

21. (1) Fao ka gare ga tshekišo ka fase ga Molao wo go kgona-galago go laetša yoo e bego e le mootledi wa koloi, go tla gopolwa, go fihlela ge lehlakore le lengwe le laetšwa, gore yona koloi yona yeo e be e otlelwa ke mong wa yona.

(2) Neng le neng ge koloi e phakile ka tshelamolao ya peakanyetšo efe le efe ya Molao wo goba molawana woo e dirilwego ka mola fase, go tla gopolwa go fihlela ge lehlakore le lengwe le laetšwa, gore yona koloi yeo e be e phakilwe ke mong wa yona.

(3) Ka dinepo tša dikarolwana '(1) le (2), go tla tšewa, go fihlela ge lehlakore le lengwe le laetšwa, gore, fao mong wa koloi e lego setho-temagano, yona koloi yeo e bego e otlelwa goba e phakilwe, go ya ka fao dikarolwana tšeo di bolelago, ke molaodi goba mohlankedi wa setho-temagano tšhomišong ya maatla a gagwe goba phethagatšong ya mešomo ya gagwe bjalo ka molaodi yena yoo goba mohlankedi goba tšwetšopeleng goba maitekelong a go tšwetša dikganyogo tša setho-temagano.

Kgopolo mabapi le bahlankedi

22. Thekišong efe le efe ka fase ga dipeakanyetšo tša Molao wo, taba ya gore motho ofe le ofe o ikemišetša go šoma goba o ikemišeditše go šoma bjalo ka mohlankedi wa therafiki goba mohlalobi wa dilaesense, mohlalobi wa dikoloi goba mohlalobi wa dilaesense tša bootledi, e tlo ba bohlatse bja mahlong bja peo ya gagwe le maatlafatšo a go šoma bjalo. Ge fela e le gore dipeakanyetšo tša karolo ye di ka se šomišwe mabapi le tshekišo ya tatofatšo ya go tswalana le boikgakantšho.

(c) sephethong sefe le sefe se sengwe sa Leloko la Leli
Phethišo mabapi le ditiro tša modiriši, a ka re gare ga
matšatši a 21 ka morago ga kgano phego goba go
khantshelwa goba sephetho ka go ngwalwa, a tliša
boipiletšo go Tonakgolo kgahlanong le yona kgano, phego
goba go khantshelwa, goba sephetho seo, gomme yena
motho yoo, kgoro ya Mmušo goba taolo ya ngwadišo e tla
re ka nako yeo ya iša khopi ya boipiletšo go Leloko la
Lekgotla-Phethišo.

(2) Ka morago ga kamogelo ya khopi ya boipiletšo yeo e šupeditšwego ka gare ga karolwana (1), Leloko la Lekgotla-Phethišo le tla fa Tonakgolo ka potlako mabaka a kgano, phego goba go khantshelwa, goba sephetho seo go sona boipiletšo bjoo bo šupetšago.

(3) Tonakgolo a ka re ka morago ga tshenko ya boipiletšo go ya ka karolwana (1), a fa sephetho se a bonago se swanetše.

(4) Boipiletšo bjoo bo šupetšwago ka go karolwana (1) bo akaretša boipiletšo kgahlanong le kgano efe le efe, phego goba khantsshelo, goba sephetho sa Leloko la Lekgotla-Phethišo seo se amanago le Molao wa Therafiki ya Tsela ya Setšhaba, 1996.

Tokelo ya boipiletšo go Leloko la Lekgotla-Phethišo

24. (1) Motho ofe le ofe yoo a kwešitšwego bohloko ke go gana ga mohlalobi wa dilaesense tša bootledi go ntšha goba go matlafatša go ntšhetšwa ga laesense ya moithuta-bootledi, a ka re, gare ga matšatši a 21 ka morago ga yona kgano yeo ka go ngwalwa a ipiletša go Leloko la Lekgotla-Phethišo la Profense yeo ka gare ga yona mohlalobi yoo a beilwego bjalo, gomme yena motho yoo o tla, ka yona nako yeo a tliša khopi ya boipiletšo bjoo go mohlalobi yoo a amegago.

(2) Motho ofe le ofe yoo a kwešitšwego bohloko ke go gana ga mohlalobi wa dikoloi goba seteišene sa bohlahlobelo go ntšha sethifikeiti sa tshwanela-tsela mabapi le koloi goba go matlafatša go ntšhetšwa sethifikeiti sona seo, goba ka mabaka ao ka taolo ya ona sethifikeiti a se ntšheditšwego, a ka re gare ga matšatši a 21 ka morago ga kgano yona yeo goba ka morago ga go ntšhwa ga sethifikeiti sona seo go ya ka mabaka ao a amegago, a ipiletša ka go ngwala kgahlanong le yona kgano yeo goba mabaka ao a amegago Leloko la Lekgotla-Phethišo la Profense yeo ka gara ga yona mohlalobi a beilwego go ba bjalo goba gore seteišene sa bolekoalelo se ngwadišitšwe, gomme yena motho yoo o tla re ka nako yeo a iša khopi ya boipiletšo go mohlalobi goba seteišene sa bolekoalelo seo se amegago.

(3) Ka morago ga kamogelo ya khopi ya boipiletšo yeo e šupetšwago ka gare ga dikarolwana (1) le (2), mohlalobi wa dilaesense tša bootledi goba mohlalobi wa dikoloi, ka fao go ka bago ka gona, o tla tliša ka potlako go Leloko la Lekgotla — Phethišo mabaka a gagwe a boipiletšo bo šupetšago go yona.

(4) Ka nepo ya go tšea sephetho sa boipiletšo go ya ka karolwana (1), Leloko la Lekgotla Phethišo le tla bea motho ofe le ofe go hlahloba le go lekola mokgopedi ge eba a na le bokgoni bja go otlela koloi ya legoro leo le amegago, gomme ka tlaletšo, la nyaka lehlakori lefe le lefe la boipiletšo go tliša tshedimošo yona yeo le bohlatse ge a bona e le bohlokwa.

(5) Ka nepo ya go tšea sephetho sa boipiletšo go ya ka karolwana (2), Leloko la Lekgotla-Phethišo—

- (a) fao boipiletšo bo amago sethifikeiti sa maswanedi a tsela, hlola go hlahlobiwa ga koloi yeo e amegago le go lekolwa ke mohlalobi wa dikoloi yoo a kgethilwego ke yena, le
- (b) go nyaka lehlakore le lengwe le le lengwe la boipiletšo go tliša tshedimošo yona yeo le bohlatse bjoo bo lego bohlokwa.

(6) Leloko la Lekgotla-Phethišo ka morago ga go senka boipiletšo bjoo bo amegago la fa sephetho seo le ka bonago se lokile.

(7) Boipiletšo bjoo bo šupeditšwego ka go dikarolwana (1) le (2) bo tsenya boipiletšo kgahlanong le kgano, phego goba go khantshelwa, goba sephetho sa motho ofe le ofe go ya ka Molao wa Setšhaba wa Therafiki ya Tsela wa 1996.

KGAOLO VII

MELAWANA LE MELAWANYANA

Maatla a Leloko la Lekgotla — Phethišo go hlama melawana

25. (1) Leloko la Lekgotla-Phethišo le ka hlama melawana yeo e tswalanago le dipeakanyetšo tša Molao wo le Molao wa Setšhaba waTherafiki ya Tsela wa 1996 mabapi le taba efe le efe yeo e bolelwago, nyakwago goba dumeletšwego go ka kgethelwa ka fase ga Molao wo gomme ka kakaretšo e le go phethagatša ka makgethe dipeakanyetšo goba dinepo tša Molao wo goba Molao wa Setšhaba wa Therafiki ya Tsela wa 1996, gomme kudukudu, eupša le go hlaola go kakaretšo ya dipeakanyetšo tše boletšwego tša mabapi le—

- (a) tabeng ya koloi, mmala le mokgwa wa leswao la ngwadišo goba nomoro e tlogo go laetšwa ka fase ga Molao wo le tsela yeo e ka dirišwago go dira lona leswao goba nomoro yeo gore e kgone go kgethega ga bonolo, e ka ba bošego goba mosegare, ge koloi efe le efe yeo e otlelwa godimo ga tsela ya setšhaba;
- (b) ka taolo ya melawana yeo e hlamilwego ka fase ga Molao wa Therafiti ya Tsela wa Setšhaba, 1996, go emiša le go phaka dikoloi godimo ga tsela ya setšhaba;

- (c) mokgwa wa go beakanya taba efe le efe e nyakelwago dinepo tša Molao wo;
- (d) sebopego, mokgwa goba leswao leo Leloko la Lekgotla-Phethišo le ka bonago le swanetše ka dinepo tša Molao wo le tlhago le bokgole bja tshedimošo yeo e ka fiwago ka nepo ya sebopego sefe le sefe.
- (e) go ntšhiwa ga dikhopi tša sethifikeiti, laesense goba tokumente e nngwe goba leswao le ntšhitšwego go ya ka Molao wo ge sethifikeiti sa mathomo se lahlegile, senyegile goba phumogile goba ditlhalošišo dife le dife godimo ga sona di sa balege;
- (f) moaparo go akaretšwa le difoto, tša bahlankedi ba therafiki le tša bahlapetša therafiki bao ba ba beilwego go ya ka karolo 3;
- (g) ditefelo tšeo di kago goba di swanetšego go lefelwa ka nepo efe le efe ka fase ga Molao wo, goba mabapi le ngwadišo efe le efe, kgopelo, matlafatšo goba tlhahlobo, goba go ntšhiwa ga tokumente efe le efe goba khopi ya tokumente, tšeo di šupetšwego ka gare ga Molao wa Sešhaba wa Therafiki ya Tsela, 1996, goba melawana yeo e ntšhitšwego ka fase ga Molao woo;
- (h) ditefelo tšeo di kago goba di swanetšego go lefelwa mabapi le ngwadišo le go fa dikoloi dilaesense bjalo ka ge go bolelwa ka gare ga Molao wa Setšhaba wa Therafiki ya Tsela, 1996.

(2) Maatla a go hlama melawana ka nepo efe le efe yeo e šupetšwego ka gare ga karolwana (1), a tla akaretša maatla go kgaolela goba go thibela taba efe le efe goba selo ka tswalano le nepo yeo, e ka ba ka moka goba ka mabaka.

(3) Molawana ofe le ofe ka fase ga karolo ye o ka direlwa go šomišwa ka kakaretšo ka gare ga profense ka moka goba ka gare ga seripa sefe le sefe seo se laeditšwego goba go legoro lefe le lefe la koloi goba motho.

(4) Molawana ofe le ofe woo o hlamiwago ka fase ga karolwana (1) o ka beakanyetša dikotlo go tshelamolao ya wona, gape le dikotlo tše fapafapanego tabeng ya ditshelamelao tše latelanago goba tša go tšwela pele, eupša ga go kotlo yeo e tlogo go feta tefišo goba kgolego ya paka ya ngwaga o tee.

(5) Pele Leloko la Lekgotla-Phethišo le hlama molawana ka fase ga karolo ye, o swanetše, ge a bona go swanetše, go dira tlhamo ya molawana wo o šišinywago go ka gatišwa ka gare ga *Kuranta ya Profense* mmogo le tsebišo ya go bitša batho ka moka ba kgahlegago go tliša ka go ngwalwa, gomme gare ga paka yeo e laetšwego ka gare ga tsebišo, eupša e sego ka fase ga dibeke tše nne go tloga ka tšatšikgwedi ya tsebišo, dithulano goba dikemelo dife le dife tšeo ba ka ratago go di rotoša goba go

di dira go Molaodi-Pharephare go di iša go Leloko la Lekgotla-Phethišo: Ge feela e le gore Leloko la Lekgotla-Phethišo ka morago ga fao le tla tšea sephetho go fetša melawana-tlhamiwa ka lebaka la dithulano goba dikemelo tšeo di tlišitšwego mabapi le taba yeo, go ka se be bohlokwa go gatiša diphetogo tšona tšeo pele go hlamiwa melawana.

Maatla a pušo-selegae go hlama melawanyana

26. (1) Ka taolo ya dipeakanyetšo tša molao ofe le ofe go tswalana le tshepedišo yeo e swanetšego go latelwa tlhamong, tumelelong le kgatišong ya molawanyana ofe le ofe ka pušo-selegae, pušo-selegae efe le efe e ka re ka kwano le Leloko la Lekgotla-Phethiso ya hlama melawanyana yeo e sepelelanago le dipeakanyetšo tša Molao wo goba Molao wa Setšhaba wa Therafiki ya Tsela, 1996 mabapi le—

- (a) polokego ya therafiki godimo ga tsela ya setšhaba efe le efe, mošomo wa mošomiši ofe le ofe wa yona tsela yeo le tšhomišo ya yona tsela yeo ke koloi efe le efe;
- (b) ka taolo ya dipeakanyetšo Molao wa Dikgwebo, 1991, le molawana ofe le ofe goba molawanyana woo o hlamilwego ka fao fase mabapi le kgaolelo, molawana goba taolo ya go gweba ga bagwebatseleng, mmapatši goba semaušwa, thibelo ya le go phakiwa ga koloi efe le efe godimo ga tsela ya setšhaba efe le efe goba seripa sa yona, go akaretšwa melawanyana ya go tswalana le tlhomo, taolo, tekolo, tlhokomelo le taolo ya dimithara tša go phaka le mafelo a go phaka;
- (c) peo le go fa dilaesense tša bahlokomedi ba go phaka le kgomišo ya yona laesense yeo;
- (d) Mootledi goba molaodi wa goba motho yo mongwe yoo a thwetšwego mabapi, koloi ya go šomišwa go hirwa goba go amogela banamedi gore ba hirwe;
- (e) ka taolo ya dipeakanyetšo tša Molao wa Dikgwebo, 1991, le molawana ofe le ofe goba molawanyana wo o hlamilwego ka mo fase mabapi le kgaolelo, molawana goba taolo ya tšwetšopele ya kgwebo ya mmapatšatseleng, mmapatši goba semaušwa, tsela ya setšhaba efe le efe yeo e sa swanelago go šomišwa ke loloi efe le efe, e ka ba ka kakaretšo goba ka dinako tše di laeditšwego;
- (f) boemo bja maleba godimo ga tsela ya setšhaba ya therafiki ya mabelo a go fapafapana le magoro;
- (g) lefelo le nako yeo ya ge koloi e sa swanela go goma bjalo ka go lebelela lehlakore la go thulana le leo e bego e eya go lona goba fao e kago goma bjalo ka fase ga mabaka a itšego;
- (h) go rwalwa le go rolwa ga koloi efe le efe godimo ga tsela ya setšhaba;

NORTHERN PROVINCE ROAD TRAFFIC ACT

Act No. 2, 1998

- (i) melao ya nyakego ya pele ya go tsenya dikoloi ka gare ga mokgolokgotha;
- (j) tšhomišo ya hutara, pele goba mokgwa o mongwe le o mongwe wa temošo le mabaka ao ka fase ga ona mokgwa ofe le ofe woo o ka šomišwago gare ga tikologo efe le efe yeo e laetšwago, ge eba ka dinako tšohle goba dipaka tše itšego;
- (k) peo ya boto ya taolo ya keletšo ya therafiki yeo e hlamilwego ka maloko ao a sego ka fase ga a mararo go eletša pušo-selegae ditabeng ka moka tša taolo ya therafiki;
- (l) tshomišo ya tsela ya setšhaba efe le efe ke therafiki ka kakaretšo;
- (m) kgaolelo ya mengwaga ya baotledi ba dikoloi tša go gogwa ke diphoofole;
- (n) sebopego sefe le sefe goba leswao leo pušo-selegae e ka humanago le le bohlokwa go dinepo tša molaonyana ofe le ofe, le tlhago le bokaalo bja tshedimošo efe le efe go tlišetšwa nepo ya sona sebopego sefe le sefe seo;
- (o) kgontšho ya pušo-selegae efe le efe nakong ya ge motho ofe le ofe a šitwa go dira eng le eng yeo a e nyakelwago ka fase ga molaonyana go dira yona tiro yeo le go humana ditshenyegelo tša yona go motho yoo a lego molato;
- (p) boima bja diphahlo dife le dife tše goba palo ya banamedi bao goba diphoofole tše di kago rwalwa godimo ga pae-sekele-diterapo;
- (q) molawana, kgaolelo, thibelo goba taolo ya go phaka godimo ga ditsela tša setšhaba tša dikoloi tše e lego tše di lotwago goba šomišwago ke bagwebi goba tše di lego tlhokomelong ya bona goba ka fase ga taolo ya bona tshepedišong ya kgwebo ya mogwebi yeo e tšwetšwago ke bona pele; le
- (r) taba efe le efe yeo mabapi le yona pušo-selegae e kago dira melawanyana ka fase ga Molao wo.

(2) Maatla a go hlama melawanyana ka nepo efe le efe yeo e šupetswago ka fase ga karolwana (1), e tla akaretša maatla a go kgaolela goba go thibela taba efe le efe goba selo malebana le nepo yeo, e ka ba ka botlalo goba ka mabaka.

(3) Molawanyana ofe le ofe ka fase ga karolwana (1) o ka hlamiwa go šomišwa ka kakaretšo tikologo ka moka ya pušo-selegae goba ka gare ga seripa se laeditšwego sa yona goba go legoro lefe le lefe le laeditšwego la koloi goba motho.

(4) Bokgole bjoo molawanyana ofe la ofe wa pušo-selegae, e ka ba o hlamilwe ka fase ga Molao wo goba molao ofe le ofe o mongwe, o ka se tswalane le molawana ofe le ofe ka fase ga Molao wo goba Molao wa Setšhaba wa Therafiki ya Tsela, 1996, molawana o tla tšwelela.

(5) Molawanyana ofe le ofe ka fase ga karolo ye o ka beakanyetša dikotlo tabeng ya ditshelamelao le go beakanyetša gape dikotlo tše fapafapanago tabeng ya ditshelamelao tše latelanago goba tša go tšwela pele, eupša ga go kotlo yeo e ka fetago tefišo goba kgolego ya paka ya dikgwedi tše seelago.

Pušo-selegae e ka beakanya ditefo

27. Pušo-selegae efe le efe e ka, ka sephetho se itšego, beakanya ditefo tšeo di ka lefiwago ka nepo efe le efe yeo e bolelwago ka go karolo 26.

KGAOLO VIII

DIRETŠISETARA LE DIREKHOTO

Diretšisetara goba direkhoto tše swanetšego go lotwa

28. (1) Diretšisetara goba direkhoto bjalo ka ge di ka kgethelwa di tla lotwa ke—

- (a) taolo ya tšhomišo;
- (b) pušo-selegae efe le efe; le
- (c) motho ofe le ofe yoo a beakantšwego ke Leloko la Lekgotla-Phethišo ka tsebišo ka gare ga *Kuranta ya Profense*.

(2) Ditlhalošišo tšeo di kgethetšwego di tla ngwalwa ka mokgwa woo o kgethetšwego ka gare ga diretšisetara le direkhoto tšeo di šupetšwago ka gare ga karolwana (1).

(3) Taolo efe le efe yeo e šupetšwago ka go karolwana (1) e tla tliša ka mokgwa le ka makgetlo ao a kgethetšwego go Leloko la Lekgotla-Phethišo goba motho ofe le ofe goba setho seo se beilwego ke Leloko la Lekgotla-Phethišo ka tshedimošo yeo e ngwadilwego ka gare ga retšisetara goba rekhoto ya taolo yona yeo, gomme Leloko la Lekgotla-Phethišo le tla re ka tshedimošo yeo e filwego bjalo ya hlopha goba ya hlola gore go hlophiwe retšisetara yona yeo ka fao a ka bonago go swanetše.

(4) Leloko la Lekgotla-Phethišo le ka kgethela gore taolo efe le efe e tla lota yona retšisetara yeo ya tlaleletšo goba direkhoto bjalo ka ge go bonala go le bohlokwa.

Khopi ya tsentšho ka gare ga retšisetara goba rekhoto go ba bohlatse

29. (1) Tokumente yeo e tšewago go ba sentšhwa go, goba khopi ya, retšisetara goba rekhoto efe le efe yeo e lotwago go ya ka Molao wo gomme e tšewago go be e ka hlatsetšwa go ba bjalo, e ka re ka gare ga kgoro efe le efe le mabakeng ka moka bjang le bjang ya amogelwa go ba bohlatse gomme e tlo ba bohlatse *prima facie* bja therešo ya taba yeo e boletšwego ka gare ga yona tokumente yeo ntle le tšweletšo ya retšisetara ya mathomo goba rekhoto goba sethifikeiti, laesense, tokumente e nngwe, mikrofiche, mikrofilimi goba rekhoto ya khomputa yeo go yona sona sentšhwa seo goba khopi yeo e dirilwego.

(2) Tshedimošo yeo e humanwago ka gare ga retšisetara goba rekhoto yeo e lotetšwego dinepo tša Molao wo e tla tlišwa go—

- (a) mohlankedi wa therafiki goba mohlalobi wa dilaesense yoo a e nyakelago phethagatšo ya mešomo ya gagwe;
- (b) motho ofe le ofe yoo a matlafaditšwego ke Leloko la Lekgotla-Phethišo go nyaka tlišo yona yeo;
- (c) kgoro efe le efe ya Mmušo; goba
- (d) pušo-selegae:

Ge feela e le gore tumelo ya Leloko la Lekgotla-Phethišo go motho ofe le ofe yoo a matlafaditšwego ke yena e tla humanwa pele yona tshedimošo yeo e tlišitšwe go taolo yeo e šupetšwego ka go temana (d).

(3) Taolo efe le efe yeo e lotago retšisetara goba rekhoto go ya ka karolo 28 e tla re ka kgopelo ya motho ofe le ofe le godimo ga tefelo ya ditefo tšeo di kgethetšwego—

- (a) ya tiišetša ge eba tshedimošo e itšego e goba ga e sepelelane le tshedimošo yeo e lego ka gare ga yona retšisetara yeo goba rekhoto, ge ka kgopolong ya yona taolo yeo, motho yoo, ka mabaka ao a kwagalago, a nyaka tiišetšo ya yona tshedimošo yeo; goba
- (b) ya tliša tshedimošo yeo e bolelwago ka gare ga temana (a) go motho yoo ge ka kgopolong ya yona taolo yeo a, ka mabaka ao a kwagalago, nyaka yona tshedimošo yeo e tlišwa go yena.

Kelohloko e tšewe ya tshedimošo ya go ba ka gare ga retšisetara goba rekhoto

30. Leloko la Lekgotla-Phethišo le ka, ka phethagatšo ya boikgethelo goba go tšea sephetho go ya ka Molao wo, ela hloko ya tshedimošo yeo e humanwago ka gare ga retšisetara goba rekhoto yeo e bolelwago ka gare ga karolo 28.

KGAOLO IX

DIPEAKANYETŠO-KAKARETŠO

Bophako bja badiredi ba kalafo

31. Ntle le ge go na le se sengwe seo se thulanago le seo se hwetšwago ka gare ga molao ofe le ofe, pušo-selegae e ka lokolla mabakeng ona ao le go ya ka taolo ya ona maemo ao bjalo ka ge go hwetšwa go le bohlokwa—

- (a) ngaka; goba
- (b) mooki yo a ngwadišitšwego goba mmelegiši bjalo ka ge go hlalošitšwe ka gare ga karolo 1 ya Molao wa Booki, 1978 (Molao 50 wa 1978),

go dipeakanyetšo tša molao ofe le ofe woo o amanago le bophako bja dikoloi ka gare ga tikologo ya tikologo-semolao.

Dipeakanyetšo tše kgethegilego tša mabapi le go phaka

32. (1) Ntle le ge go na le se sengwe le se sengwe seo se thulanago le se lego ka gare ga molao ofe le ofe, pušo-selegae e ka lokolla mabakeng ao a kgethetšwego le go ya ka taolo ya maemo ao a kgethetšwego—

- (a) motho ofe le ofe yoo, kgopolong ya pušo-selegae, a nago le bogole bjo bo kgethetšwego; goba
- (b) motho ofe le ofe yoo a rwalago goba a thušago motho yo a bolelwago ka go temana (a), go dipeakanyetšo tša molao ofe le ofe woo o amanago le go phakiwa ga dikoloi ka gare ga tikologo ya tikologo-semolao.

(2) Pušo-selegae e ka, gomme ka mabaka ao a kgethetšwego, beakanyetša mafelo a bophako a itšego a go phakiwa fela dikoloi tša go otlelwa ke batho bao ba šupetšwago ka gare ga karolwana (1), gomme ona mafelo ao a go phaka a tla bontšhwa ke leswao la therafiki ya tsela.

(3) Pušo-selegae e tla laola tšhomišo ya mafelo a go phaka ao a šupetšwago ka go karolwana (2) ka mokgwa wo o kgethetšwego.

(4) Pušo-selegae yeo e amegago e tla ntšhetša motho yo a boletšwego ka go karolwana (1) taetšo ya tokollo yona yeo.

Leloko la Lekgotla-Phethišo le ka matlafatša dipušetšo tše itšego tša ditšhelete

33. (1) Leloko la Lekgotla-Phethišo le ka, ge le kgotsofala gore kgoboko efe le efe yeo e lefetšwego ke motho e feta kgoboko yeo e lefelwago ka tshwanelo ka fase ga Molao wo, dumelela tšhelete-pušetšo ya kgoboko yona yeo goba seripa sefe le sefe sa yona go yena motho yoo.

(2) Leloko la Lekgotla-Phethišo le ka se dumelele tšhelete-pušetšo efe le efe ka fase ga karolo ye ntle le ge pelo ya yona e amogelwa ke taolo ya ngwadišo goba taolo ya profense gare ga mengwaga e meraro ka morago ga tšatšikgwedi ya tefelo yeo e amegago.

Taolo ya ngwadišo ka go laolwa ke tlhahlobo ya Mohlakiši-Pharephare

34. Mohlakiši-Pharephare a ka re nako efe le efe a hlola gore go hlahlobje direkhoto tša taolo ya ngwadišo, le matlotlo ao a kgobokeditšwego ke yona taolo yeo ka fase ga Molao wo.

Ditlhahlobo go tiišetša gore dipeakanyetšo tša Molao wo di a šomišwa

35. (1) Leloko la Lekgotla-Phethišo le ka matlafatša motho ofe le ofe go tšwetša tlhahlobo efe le efe yeo Leloko la Lekgotla-Phethišo le hwetšago le le bohlokwa gore go tiišetšwe gore dipeakanyetšo tša Molao wo di latetšwe.

(2) Ga go motho yoo a tlogo go šitiša goba go palediša motho ofe le ofe go phethagatša tlhahlobo efe le efe yeo e šupetšwego ka go karolwana (1).

Phapantšho ya fomo e kgethetšwego

36. Leloko la Lekgotla-Phethišo le ka, mabakeng ona ao a bonago a le bohlokwa, matlafatša ngwadišo goba taolo e nngwe go šomiša, kemalegatong ya fomo yeo e kgethetšwego nepo e itšego, fomo yeo e fapanago le yona fomo yeo e kgethetšwego, gomme mabapi le yona taolo yeo yona fomo yeo e fapanago e tla tšewa go ba e le fomo yeo e kgethetšwego nepo yeo.

Tshaeno godimo ga ditokumente

37. Motho ofe le ofe yoo a šitwago go saena leina la gagwe, o tla re, nako efe le efe ge tshaeno ya gagwe e nyakega godimo ga tokumente efe le efe go ya ka Molao wo, a gatiša legatong la yona monwana wa nkokoropo sekgobeng seo gare ga sona a bego a tla nyakelwa gore a saene leina la gagwe, gomme ge monwana wa nkokoropo wa mpogošo o se gona, o tla o emela legato ka kgatišo ya menwana ya gagwe, gomme tiragalong yona yeo ya mafelelo tokumente yeo e swailwego bjalo e tla kibiwa ke mohlankedi yoo go ba goneng ga gagwe kgatišo e dirilwego, go bontšha monwana woo o šomišitšwego.

Tlišo ya ditsebišo

38. (1) Nako le nako go ya ka Molao wo ge tsebišo efe le efe e matlafatšwa goba e nyakelwa go fiwa go ntšhetšwa motho ofe le ofe, yona tsebišo yeo e tla fiwa motho yoo ka boyena yena yoo e ngwaletšwego yena goba e romelwago go yena ka poso ya go retšisetarwa atereseng ya gagwe ya mafelelo yeo e tsebjago: Ge feela e le gore aterese yeo e filwego ke moswara-laesense ka nako yeo ya kgopelo ya laesense yona yeo goba yeo e rekhotilwego go lebana le leina la gagwe ka gare ga retšisetara ya dilaesense tša bootledi, goba aterese yeo e ngwadilwego go lebana le ngwadišo ya koloi ka gare ga retšistara ya dikoloi bjalo ka aterese ya mong wa yona koloi yeo, e tla šoma go ba bodulo bja gagwe bja disamone le phethagatšo ya dinepo ka moka tšeo di rotošwego ke dinepo tša Molao wo, ka nepo ya go fiwa ga ditsebišo, poso goba ditshepedišo godimo ga motho yena yoo.

Thaetlele e kopana le go thoma

45. (1) Molao wo o tla bitšwa Molao wa Therafiki ya Tsela, 1997 wa Profense ya Leboa gomme o tla thoma go šoma ka tšatšikgwedi yeo e tlogo go bewa ke Tonakgolo ka kgoeletšo ka gare ga *Kuranta ya Profense*.

(2) Ditšatšikgwedi tše fapanago di ka bewa bjalo mabapi le dipeakanyetšo tše fapanago tša Molao wo, gomme ditšatšikgwedi tše di beilwego bjalo di ka fapana mabapi le—

- (a) batho goba diphahlo goba magoro a batho goba diphahlo tše di rwalwago ka koloi;
- (b) mehuta goba magoro a dikoloi tše di šomišwago go rwala batho goba diphahlo;
- (c) batho goba magoro a batho; goba
- (d) ditikologo ka gare ga profense.

(3) Go fetiša e tee ya dielemente tše di šupetšwago ka go temana (a) go ya go (d), go hlakantšhwa, tša karolwana (2) di ka kopantšhwa ka dinepo tša karolwana yeo.

NDIVHADZO YA VUNDU

OFISI YA PREMIA

No. 2

23 April 1998

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

No. 5 wa 1997: Mulayo wa Tshumiso ya Vhuendi ha Badani wa Vundu la Devhula, 1997.

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Thaetlele e kopana le go thoma

45. (1) Molao wo o tla bitšwa Molao wa Therafiki ya Tsela, 1997 wa Profense ya Leboa gomme o tla thoma go šoma ka tšatšikgwedi yeo e tla go bewa ke Tonakgolo ka kgoeletšo ka gare ga *Kuranta ya Profense*.

(2) Ditšatšikgwedi tše fapanago di ka bewa bjalo mabapi le dipeakanyetšo tše fapanago tša Molao wo, gomme ditšatšikgwedi tše di beilwego bjalo di ka fapana mabapi le—

- (a) batho goba diphahlo goba magoro a batho goba diphahlo tše di rwalwago ka koloi;
- (b) mehuta goba magoro a dikoloi tše di šomišwago go rwala batho goba diphahlo;
- (c) batho goba magoro a batho; goba
- (d) ditikologo ka gare ga profense.

(3) Go fetiša e tee ya dielemente tše di šupetšwago ka go temana (a) go ya go (d), go hlakantšhwa, tša karolwana (2) di ka kopantšhwa ka dinepo tša karolwana yeo.

NDIVHADZO YA VUNDU

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23 April 1998

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No. 5 wa 1997: Mulayo wa Tshumiso ya Vhuendi ha Badani wa Vundu la Devhula, 1997.

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MULAYO

U Khwaŋhisa na u Khwinisa mbetshelo malugana na vhuendi ha badani hune ha tea u shuma kha ili Vundu, na u itela mafhunga a yelanaho na zwenezwo

(Tshipiḁa tsha Tshiisimane tsho sainwaho nga Premia)

(Tsho ḁivhadzwa kha nga 21 Phando 1998)

HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Devhula sa zwi tevhelaho:—

Dziṭhandavhudzo

1. (1) Kha hoyu Mulayo, nga nṁḁa ha musii zwi re ngomu zwi tshi amba nga iṁwe nḁila—

“Dokotela/Maine” zwi amba muthu ufḁio na ufḁio o redzhisiṭariwaho fhasi ha Mulayo wa Phurofesheni wa Tshumelo dza Tswikisedzo dza Mutakalo na zwa Maṁo na Mishonga, 1974 (Mulayo No. 56 wa 1974);

“Minista” zwi amba Minista wa Vhuendi kha Muvhuso wa Lushaka;

“Mufunzedzi” zwi amba muthu ane a tshi itela malamba thwii kana nga iṁwe nḁila:—

(a) a funzedza muthu ufḁio na ufḁio kha u ḁiraiva tshendisi tsha moḁoro;

(b) a funzedza muthu muṁwe-vho ufḁio na ufḁio ndayo dza badani kana tswayo dza vhuendi ha badani u itela u wana laisentsi ya mugudi kana ya ḁiraiva;

“Mulangi Muhulu” zwi amba Mulangi Muhulu wa Ndaulo wa Vundu la Devhula;

“Mulangi wa Vhuendi” zwi amba Mulangi wa Vhuendi o khethwaho fhasi Khethekanyo 1;

“Mulayo wa vhuendi ha Badani wa Lushaka, 1996”, u katela Ndaulo dzo itwaho fhasi ha uyu Mulayo;

“Muofisiri o laedzwaho” zwi amba sipikitere wa dziḁaisentsi, muṭoli wa zwiendisi, muṭoli wa laisentsi dza maḁiraiva kana muofisiri wa vhuendi nahone ha katelwa muthu muṁwe-vho ufḁio na ufḁio ane Minista zwifḁinga nga zwifḁinga nga ndayo a nga bula uri ndi muofisiri o laedzwaho;

"Muofisiri wa Vhuendi" zwi amba muofisiri wa vhuendi o khethwaho fhasi ha Ndimu ya I na muraḁo ufho na ufho wa Tshumelo sa zwo ṭandavhudzwaho kha Khethekanyo I ya Mulayo wa Tshumelo dza Mapholisa wa Afrika Tshipembe, 1995 (Mulayo No. 68 wa 1995); na u itela ndivho dza Ndimu III na IV na Khethekanyo 22 na 29 dza uyu Mulayo hu katelwa na Muofisiri wa Mulalo;

"Muraḁo wa Khorotshitumbe" zwi amba muraḁo wa Khorotshitumbe o khethwaho hu tshi tevhedzwa Khethekanyo 149 ya Mulayotewa wa Riphapuliki ya Afrika Tshipembe, 1993 (Mulayo No. 200 wa 1993), we a hwedzwa mafhungo a vhuendi ha badani;

"Muṭoli wa laisentsi dza maḁiraiva" zwi amba muṭoli wa laisentsi dza maḁiraiva o redzhisitariwaho a vhewa hu tshi tevhedzwa Ndimu 1;

"Muṭoli wa zwiendisi" zwi amba muṭoli wa zwiendisi o redzhisitariwaho a vhewa hu tshi tevhedzwa Ndimu 1;

"Ndaulo" zwi amba ndaulo (nga nḁa ha Mulayo wapo) yo itwaho fhasi ha uyu Mulayo;

"Ndayo yapo" zwi amba ndayo yapo yo sedzwaho kha khethekanyo 26;

"Premia" zwi amba Premia wa Vundu o khethwaho hu tshi tevhedzwa Khethekanyo 145 ya Mulayotewa wa Riphapuliki ya Afrika Tshipembe, 1993 (Mulayo No. 200 wa 1993);

"Randelwaho" zwi amba u randelwa nga Ndaulo;

"Sipikitere w dzi laisentsi" zwi amba sipikitere wa dzi laisentsi o vhewaho hu tshi tevhedzwa Ndimu 1;

"Tshitiṭshi tsha u thesita" zwi amba tshitiṭshi tsha u thesita tsho redzhisitariwaho hu tshi tevhedzwa Khethekanyo 37 ya Mulayo wa Vhuendi ha Badani wa Lushaka, 1996, na Ndaulo dzo itwaho fhasi ha uyu Mulayo;

"Uyu Mulayo" u katela dzindaulo, na u itela ndivho dza Ndimu I, II na III dza uyu Mulayo nahone dzi katelavho Mulayo wa Vhuendi ha Badani wa Lushaka, 1996, na ndaulo dzo itwaho fhasi ha uyu Mulayo;

"Vhulaedzwa ha u redzhisitara" zwi amba vhulaedzwa ha u redzhisitara ho vhewaho fhasi ha Khethekanyo 2;

"Vundu" zwi amba Vundu la Devhula lo thomiwaho hu tshi tevhedzwa Khethekanyo 124 ya Mulayotewa wa Riphapuliki ya Afrika Tshipembe, 1993 (Mulayo No. 200 wa 1993).

(2) Ipfi lifho na lifho kana mbuletshedzo kha Mulayo wa Vhuendi ha Badani wa Lushaka, 1996, fhedzi zwi songo ṭandavhudzwa kha khethekanyothukhu (1), nga nḁa ha musi zwi re ngomu zwi tshi sumba zwiṇwe, zwi ḁo vha na ṭhalutshedzo i fanaho na ye zwa newa zwone kha Mulayo wa Vhuendi ha Badani wa Lushaka, 1996.

NDIMA I

VHULAEDZWA HA U REDZHISIṬARA NA VHAOFISI

U vhwewa ha Vhulaedzwa ha u redzhisiṭara

2. (1) Hu tshi itelwa hoyu Mulayo, Murado wa Khorotshitumbe nga ndivhadzo kha *Gazete ya Vundu*, u do vhea vhulaedzwa ha u redzhisiṭara ha honoho vhupo nahone nga aneo maimela a nga ta tshifhinga nga tshifhinga.

(2) Murado wa Khorotshitumbe a nga tanganya vhupo ha vhulaedza vhufhio na vhufhio ha u redzhisiṭara kana tshipida tshifhio na tshifhio tshaho na vhupo ha vhuṁwe vhulaedzwa ha u redzhisiṭara nahone a nga khethekanya vhupo ha vhulaedzwa ha u redzhisiṭara ha vha vhupo ha vhulaedzwa ha u redzhisiṭara vhuvhili kana vhunzhi.

(3) Hune, u bva kana murahu ha deithi yo tiwaho, vhulaedzwa ha u redzhisiṭara (kha iyi khethekanyothukhu ho bulwa sa vhulaedzwa vhuswa ha u redzhisiṭara) ha vha vhulaedzwa ha u redzhisiṭara he kale ha vha vhu fhasi ha vhuṁwe vhulaedzwa ha u redzhisiṭara (ho katelwa vhulaedzwa ha u redzhisiṭara ho thuthwaho) u livhiswa hufhio na hufhio kana uyu Mulayo kana ndayo yo thuthwaho malugana na vhuṁwe vhulaedzwa ha u redzhisiṭara ho raloho u bva kana murahu ha deithi yeneyo, zwi do dzhiwa sa u livhiswa kha honoho vhulaedzwa ha u redzhisiṭara huswa.

(4) Maanda a mishumo yo kumedzwaho kana u hweswa kha vhulaedzwa ha u redzhisiṭara nga, kana fhasi ha uyu Mulayo a do shumiswa kana u itwa maimoni a honoho vhulaedzwa ha u redzhisiṭara nga vhenevho vhatu vane vha nga laedzwa khazwo.

U vhwewa ha vhaofisiri

3. (1) Hu tshi itelwa uyu Mulayo—

(a) Murado wa Khorotshitumbe, fhasi ha milayo i linganaho Tshumelo ya Muvhuso, nahone hu tshi tevhedzwa maimela ane a nga ta, a nga vhea a tshi itela Vundu vhatu vhanzhi sa—

- (i) Vhosipikitere vha dzilaisentsi;
- (ii) Vhatoli vha zwiendedzi;
- (iii) Vhatoli vha laisentsi dza magiraiva;
- (iv) Vhaofisiri vha vhuendi; na
- (v) Vhakoma vha vhuendi, nga afho hune a vbona zwo fanela;

(b) Vhulaedzwa hapo vhune ha vha vhulaedzwa ha u redzhisiṭara nga maimela ane Murado wa Khorotshitumbe a nga randela nga ndivhadzo kha *Gazete ya Vundu* a nga vhetshela vhupo vhulaedzwa haho, vhunzhi ha vhatu vhu ekanaho na—

- (i) Zwipikitere zwa dzilaisentsi;

- (b) nga kuhumbulele kwa Muraḡo wa Khorotshitumbe rekhode ya kushumele kwa muthu onoyo ku tshi sumba uri ho ngo fanela u shumisa maanda kana u ita mishumo ya muofisiri wa khethekanyo ye a redzhisiṭariwa khayoy.

(2) U redzhisiṭariwa ha muthu ho bulwaho kha khethekanyoṭhukhu (1) hu nga imiswa fhedzi kana u khatseliwa musi uyo muthu o no wana tshifhinga tsha u swikisa vhupfiwa hawe nga u tou nwala na u sumbedza zwiitisi, vhukatini ha tshifhinga tsho ṭandavhudzwaho nga Muraḡo wa Khorotshitumbe lune tshifhinga tsha hone a tshi nga ḡo vha fhasi ha maḡuvha a 21, ndi ngani u redzhisiṭariwa hu songo tea u imiswa kana u khantseliwa.

(3) Muthu ane a kwamea nga Phetho ya Muraḡo wa Khorotshitumbe yo bulwaho kha khethekanyoṭhukhu (2) a nga, nga murahu ha maḡuvha a 21, murahu ha musi o no limuwa nga ha Phetho, humbela Muraḡo wa Khorotshitumbe u nea vhupfiwa hawe nga ha Phetho yawe nga u tou ṛwala.

(4) Arali u redzhisiṭariwa ha muthu ufhiyo na ufhiyo ho imiswa kana u khantselwa hu tshi tevhedzwa iyi khethekanyo uyo muthu u ḡo ri na zwenezwo a humisela ḡiṛwalo ḡawe ḡa u redzhisiṭariwa kha Muraḡo wa Khorotshitumbe a kwameaho ane a ḡo vhulunga ḡlo ḡiṛwalo ḡwa tshifhinga tsha u imiswa kana u khantsela ḡlo ḡiṛwalo, sa zwine zwa nga vha zwone.

Maanda na mishumo ya sipikiṭere wa dziḡaisentsi

7. Nṭha ha maanda na mishumo yo kulumedzwaho ene nga, kana fhasi ha uyu Mulayo sipikiṭere wa dziḡaisentsi, fhasi ha Mbekanyelo dza uyu Mulayo kana muṛwe-vho mulayo—

- (a) nga ṇḡivhadzo ya luṛwalo sa zwo randelwaho, a nga laedza muṇe, mushumisi, ḡiraiva kana muthu a re na tshiendisi tshifhiyo na tshifhiyo, ndifho-ndifho he tsha wanala, tshine nga kuhumbulele kwawe tsha si anane na ṭhodea dza ṭhanziela ya u tshimbila badani yo vhekanyelwaho kha uyu Mulayo kana kha muṛwe-vho mulayo, u bvisa tshenetsho tshiendisi uri tshi pikiṭelwe, u ṭolwa kana u thesitwa tshiṭitshini tsha u thesita tsho gireidiwaho nga pfanelo u itela tshigwada tsha tshiendisi tshenetsho nga tshifhinga na fhethu ho bulwaho kha ṇḡivhadzo yeneyo;
- (b) malugana na tshiendisi tsha moḡoro tshifhiyo na tshifhiyo, mbilo kha o faraho vhuṇe, mushumisi kana ḡiraiva watsho u bviswa ha ḡiṛwalo ḡifhiyo na ḡifhiyo ḡi ṭodeaho kha muthu onoyo malugana na tshenetsho tshiendisi tsha moḡoro hu tshi tevhedzwa uyu Mulayo, kana ḡiṛwe ḡiṛwalo ḡi no nga ḡeneḡo ḡo bviswaho nga vhulaedzwa vhu konaho ṇḡa ha Riphabuliki;

- (c) u toḡa kha mufunzedzi ufthio na ufthio—
- (i) hune mufunzedzi onoyo a vha a kha zwa u funza kana u funzedza muḡwe muthu kha u ḡiraiva tshiendisi tsha moḡoro, u bva zwenezwo; kana
 - (ii) hune uyo mufunzedzi a vha a si khou shuma nga u ralo maḡuvhani a sumbe; u fanela u bvisa vhuḡanzi ha u redzhisitḡarwa hawe;
- (d) u tola tshiendisi tsha moḡoro tshifthio na tshifthio uri a ḡifushe arali tshi tshiendisi tsha moḡoro tshine malugana na tsho liḡwalo lo bulwaho kha phara (b) la bviswa;
- (e) u thuba liḡwalo lifthio na lifthio lo bulwaho kha phara (b) line la vhoneala u nga kana line muofisiri a kavhanga uri a li shumi kana le la nga kana lo vhoneala li tshi nga lo thuthwa lu si lwa mulayo kana lo suḡufhadzwa kana line la khou shumiswa lu si lwa mulayo, hone hune liḡwalo lifthio na lifthio lo vha lo thubiwa nga u ralo, sipikitere u ḡo bvisela rasithi malugana na lo muthu a kwameaho;
- (f) u toḡa muḡe, mushumisi, ḡiraiva kana muthu a re na tshiendisi tshifthio na tshifthio na zwenezwo a mbo ḡi ḡea dzina lawe na ḡiresi, na u ḡea zwiḡwe-vho zwidodombedzwa zwi toḡeaho nga ha u ḡivhiwa hawe, huno hune zwa shuma a ḡavhanye u bvisa phurumithi ya u ḡiraiva ya zwa phurofesheni;
- (g) u toḡa muthu ufthio uri a ḡavhanye u bvisa laisentsi kana iḡwe-vho thendelo ifthio na ifthio yo randelwaho i mu tendelaho u ḡiraiva tshiendisi tsha moḡoro na u bvisa liḡwe-vho liḡwalo lifthio na lifthio line zwa toḡea uri a vhe na lo malugana na tshiendisi tsha moḡoro tshifthio na tshifthio hu tshi tevhedzwa uyu Mulayo;
- (h) u thuba laisensi ifthio na ifthio kana liḡwalo lo bviselwaho ene hu tshi tevhedzwa phara (g) ine nga kuhumbulele kwawe ya ḡea vhuḡanzi ha u pfuka kana u tinya mbekanyelo dzifthio na dzifthio kana liḡwalo la thubiwa nga u ralo, sipikitere u ḡo bvisela rasithi muthu a kwameaho malugana na zwenezwo;
- (i) u toḡa muthu ufthio na ufthio, muthu onoyo u tshindedzini tshifthio kana hai, a ḡee dzina lawe na ḡiresi na u ḡea zwiḡwe-vho zwidodombedzwa zwi toḡeaho malugana na u ḡivhiwa hawe, khathihi na mafhungo aneo ane a nga vha e maandani u a ḡea nahone ane a nga swikisa kha u ḡivhiwa ha muḡe, mushumisi kana ḡiraiva wa tshenetsho tshiendisi;
- (j) u toḡa muthu ufthio na ufthio uri a mu ḡee mafhungo afthio na afthio ane a nga vha maandani a onoyo muthu u a ḡea nahone ane a nga swikisa kha u ḡivhiwa ha ḡiraiva, muḡe, mushumisi kana muthu a re na tshiendisi tshifthio na tshifthio; kana

- (b) nga kuhumbulele kwa Muraḁo wa Khorotshitumbe rekhode ya kushumele kwa muthu onoyo ku tshi sumba uri ho ngo fanela u shumisa maanḁa kana u ita mishumo ya muofisiri wa khethekanyo ye a redzhisiṭariwa khayoy.

(2) U redzhisiṭariwa ha muthu ho bulwaho kha khethekanyothukhu (1) hu nga imiswa fhedzi kana u khatseliwa musi uyo muthu o no wana tshifhinga tsha u swikisa vhupfiwa hawe nga u tou nwala na u sumbedza zwiitisi, vhukatini ha tshifhinga tsho ṭandavhudzwaho nga Muraḁo wa Khorotshitumbe lune tshifhinga tsha hone a tshi nga ḁo vha fhasi ha maḁuvha a 21, ndi ngani u redzhisiṭariwa hu songo tea u imiswa kana u khantseliwa.

(3) Muthu ane a kwamea nga Phetho ya Muraḁo wa Khorotshitumbe yo bulwaho kha khethekanyothukhu (2) a nga, nga murahu ha maḁuvha a 21, murahu ha musi o no limuwa nga ha Phetho, humbela Muraḁo wa Khorotshitumbe u nea vhupfiwa hawe nga ha Phetho yawe nga u tou nwala.

(4) Arali u redzhisiṭariwa ha muthu ufho na ufho ho imiswa kana u khantselwa hu tshi tevhezwa iyi khethekanyo uyo muthu u ḁo ri na zwenezwo a humisela ḽiṛwalo ḽawe ḽa u redzhisiṭariwa kha Muraḁo wa Khorotshitumbe a kwameaho ane a ḁo vhulunga ilo ḽiṛwalo lwa tshifhinga tsha u imiswa kana u khantsela ilo ḽiṛwalo, sa zwine zwa nga vha zwone.

Maanḁa na mishumo ya sipikiṭere wa dziḽaisentsi

7. Nṭha ha maanḁa na mishumo yo kulumedzwaho ene nga, kana fhasi ha uyu Mulayo sipikiṭere wa dziḽaisentsi, fhasi ha Mbekanyelo dza uyu Mulayo kana muṛwe-vho mulayo—

- (a) nga nḁivhadzo ya luṛwalo sa zwo randelwaho, a nga laedza muṛe, mushumisi, ḁiraiva kana muthu a re na tshiendisi tshifho na tshifho, ndifho-ndifho he tsha wanala, tshine nga kuhumbulele kwawe tsha si anane na ṭhodea dza ṭhanziela ya u tshimbila badani yo vhekanyelwaho kha uyu Mulayo kana kha muṛwe-vho mulayo, u bvisa tshenetsho tshiendisi uri tshi pikiṭelwe, u ṭolwa kana u thesitwa tshitiṭshini tsha u thesita tsho gireidiwaho nga pfanelo u itela tshigwada tsha tshiendisi tshenetsho nga tshifhinga na fhethu ho bulwaho kha nḁivhadzo yeneyo;
- (b) malugana na tshiendisi tsha moḁoro tshifho na tshifho, mbilo kha o faraho vhuṛe, mushumisi kana ḁiraiva watsho u bviswa ha ḽiṛwalo ḽifho na ḽifho ḽi ṭodeaho kha muthu onoyo malugana na tshenetsho tshiendisi tsha moḁoro hu tshi tevhezwa uyu Mulayo, kana ḽiṛwe ḽiṛwalo ḽi no nga ḽeneḽo ḽo bviswaho nga vhulaedzwa vhu konaho nṇḁa ha Riphabuliki;

- (c) u toḡa kha mufunzedzi ufho na ufho—
- (i) hune mufunzedzi onoyo a vha a kha zwa u funza kana u funzedza muḡwe muthu kha u ḡiraiva tshiendisi tsha moḡoro, u bva zwenezwo; kana
 - (ii) hune uyo mufunzedzi a vha a si khou shuma nga u ralo maḡuvhani a sumbe; u fanela u bvisa vhuḡanzi ha u redzhisitḡarwa hawe;
- (d) u tola tshiendisi tsha moḡoro tshifho na tshifho uri a ḡifushe arali tshi tshiendisi tsha moḡoro tshine malugana na tsho liḡwalo lo bulwaho kha phara (b) la bviswa;
- (e) u thuba liḡwalo liḡho na liḡho lo bulwaho kha phara (b) line la vhonala u nga kana line muofisiri a kavhanga uri a li shumi kana le la nga kana lo vhonala li tshi nga lo thuthwa lu si lwa mulayo kana lo suḡufhadzwa kana line la khou shumiswa lu si lwa mulayo, hone hune liḡwalo liḡho na liḡho lo vha lo thubiwa nga u ralo, sipikḡere u ḡo bvisela rasithi malugana na lo muthu a kwameaho;
- (f) u toḡa muḡe, mushumisi, ḡiraiva kana muthu a re na tshiendisi tshifho na tshifho na zwenezwo a mbo ḡi ḡea dzina lawe na ḡiresi, na u ḡea zwiḡwe-vho zwidodombedzwa zwi toḡeaho nga ha u ḡivhiwa hawe, huno hune zwa shuma a ḡavhanye u bvisa phurumithi ya u ḡiraiva ya zwa phurofesheni;
- (g) u toḡa muthu ufho uri a ḡavhanye u bvisa laisensi kana iḡwe-vho thendelo ifho na ifho yo randelwaho i mu tendelaho u ḡiraiva tshiendisi tsha moḡoro na u bvisa liḡwe-vho liḡwalo liḡho na liḡho line zwa toḡea uri a vhe na lo malugana na tshiendisi tsha moḡoro tshifho na tshifho hu tshi tevhedzwa uyu Mulayo;
- (h) u thuba laisensi ifho na ifho kana liḡwalo lo bviselwaho ene hu tshi tevhedzwa phara (g) ine nga kuhumbulele kwawe ya ḡea vhuḡanzi ha u pfuka kana u tinya mbekanyelo dzifho na dzifho kana liḡwalo la thubiwa nga u ralo, sipikḡere u ḡo bvisela rasithi muthu a kwameaho malugana na zwenezwo;
- (i) u toḡa muthu ufho na ufho, muthu onoyo u tshiendedzini tshifho kana hai, a ḡee dzina lawe na ḡiresi na u ḡea zwiḡwe-vho zwidodombedzwa zwi toḡeaho malugana na u ḡivhiwa hawe, khathihi na mafhungo aneo ane a nga vha e maandani u a ḡea nahone ane a nga swikisa kha u ḡivhiwa ha muḡe, mushumisi kana ḡiraiva wa tshenetsho tshiendisi;
- (j) u toḡa muthu ufho na ufho uri a mu ḡee mafhungo afho na afho ane a nga vha maandani a onoyo muthu u a ḡea nahone ane a nga swikisa kha u ḡivhiwa ha ḡiraiva, muḡe, mushumisi kana muthu a re na tshiendisi tshifho na tshifho; kana

ya phanda na u q̄i kana u vha na maanda na tshiendisi tshenetsho na u ita dzenedzo mbekanyo dza u t̄usa zwavhuq̄i kana u vhea tshiendisi zwine kuhumbulele kwawe zwa nga vha zwo fanela kana zwi tshi t̄odea kha nzulele yo raloho;

- (g) u dzudzanya na u langa vhuendi ha badani khulwane ifhio na ifhio na u nea dzenedzo ndaelo dzine nga kuhumbulele kwawe, dza vha dzo fanela kha u dzudzanya vhuendi zwavhuq̄i zwi shumeaho, huno hune a vha na kuhumbulele uri q̄iraiva wa tshiendisi tsha moq̄oro u khou vhofha kana u thivhela u enda havhuq̄i ha vhuendi badani khulwane, a laedza q̄iraiva u t̄usa tshiendisi badani yeneyo uri i fare inwe nq̄ila na tshiendisi;
- (h) u t̄oda muthu ufhio na ufhio uri a nee dzina lawe na q̄iresi na u nea zwiñwe-vho zwidodombedzwa zwine zwa t̄odea kha u q̄ivhiwa hawe kana u itela kuñwe kuitele kufhio na kufhio arali uyo muofisiri a tshi kavhanga lupfalaho uri uyo muthu o ita vhukhakhi fhasi ha uyu Mulayo kana arali nga kuhumbulele kwa onoyo muofisiri a tshi kona u nea vhuṭanzi malugana na khomishini kana khomishini i humbulelwaho kana vhuñwe vhukhakhi ho raloho;
- (i) malugana na tshiendisi tsha moq̄oro tshifhio na tshifhio, a t̄oda kha muṇe, mushumisi kana q̄iraiva watsho uri a bvisela inwalo infio na infio lo randelwaho hu tshi tevhedzwa uyu Mulayo;
- (j) u thuba inwalo infio na infio lo bulwaho kha phara (i) le a bviselwa huno line nga kuhumbulele kwawe li nga nea vhuṭanzi ha u pfuka ha, kana u kundelwa u tevhedza mbekanyelo dzifhio na dzifhio dza uyu Mulayo huno hune inwalo infio na infio la thubiwa, muofisiri wa vhuendi a kwameaho u q̄o bvisela muthu a kwameaho rasithi yazwo;
- (k) u t̄oda uri q̄iraiva ufhio na ufhio wa phurofeshini, kana mushumisi kana muṇe wa tshiendisi tsha moq̄oro tshifhio na tshifhio a bvisela u pikiṭelwa na u itisa kopi ya—
 - (i) rekhode ifhio na ifhio kana inwalo line uyo muthu a t̄odeo uri a li fare hu tshi tevhedzwa uyu Mulayo u fara kana a vha naḽo kana line la t̄odea u namabatedzwa kha tshiendisi tsha moq̄oro tshenetsho tshifhio na tshifhio; kana
 - (ii) rekhode ifhio na ifhio ine uyo muthu a t̄odea uri a i vhulunge hu tshi tevhedzwa uyu Mulayo;
- (l) tshifhinga tshifio na tshifhio u dzhena kha tshiendisi tsha moq̄oro tshifhio na tshifhio tsha mushumisi na u pikiṭela tshenetsho tshiendisi.

- (m) tshifhinga tshifhio na tshifhio u dzhena vhu^uponi vhu^ufhio na vhu^ufhio vhone a vha na tshiitisi tsha u tenda uri tsheindisi tsha mo^ugoro tsha mushumisi tsho vhu^ulungwa kana uri rekhode ifhio na ifhio kana ma^unwe ma^unwalo ane a t^uodea uri a vhe hone hu tshi tevhedzwa uyu Mulayo a fanela u wanala, na u pikitera tshenetsho tshiendisi, na u pikitera na u kopa rekhode yeneyo ifhio na ifhio kana li^unwalo, li^une a li wana hene^ufho;
- (n) arali a na tshiitisi tsha u tenda uri ho itwa vhu^ukhakhi fhasi ha uyu Mualyo malugana na rekhode ifhio na ifhio kana li^unwalo, huno hune li^unwalo li^ufhio na li^ufhio la vha lo thubwa nga u ralo, muofisiri wa vhuendi u qo bvisela muthu onoyo rasithi yazwo;
- (o) u pikitera tshiendisi tsha mo^ugoro tshifhio na tshifhio kana tshipi^uda tsha hone na u thuba li^unwalo li^ufhio na li^ufhio lo bviswaho malugana na u redzhisi^utwa na u laisentswa ha tshenetsho tshiendisi tsha mo^ugoro li^une la yelana na tshiendisi tsha mo^ugoro tshenetsho, hune zwa wanala uri nzhini kana nomboro ya tshesi ya tshenetsho tshiendisi tsha mo^ugoro i fhambana na nzhini kana nomboro ya tshesi ya tshenetsho tshiendisi tsha mo^ugoro sa zwo tiwaho kha li^unwalo, hune a laedza uri tshenetsho tshiendisi tsha mo^ugoro tshi dzhiwe, na zwenezwo tshi iswe tshi^utshini, tsha mapholisa tshifhio na tshifhio tsho tiwaho nga onoyo muofisiri wa vhuendi u itela u t^uolwa ha ma^unwalo nga mapholisa, huno nga murahu ha musi u t^uolwa ha ma^unwalo nga mapholisa ho no tiwa, a nga humisa li^unwalo lo thubwaho kha muthu uf^uhio a uf^uhio a re na pfanelo na^ulo kana a qivhadza onyo mu^une wa tshiendisi tsha mo^ugoro uri tshenetsho tshiendisi tshi fanela u redzhisi^utarwa nga afho hune zwa nga vha ngaho; na
- (p) u t^uoda kha mu^une, mushumisi kana qiraiva wa tshiendisi tsha mo^ugoro tsho redzhisi^utarwaho kana tshine tsha dzhiwa tsho redzhisi^utarwa kha shango li^ufhio na li^ufhio lo randelwaho, u t^uolwa ha ma^unwalo nga mapholisa malugana na tshenetsho tshiendisi tsha mo^ugoro hu sa athu u tendelwa tshenetsho tshiendisi tsha mo^ugoro uri tshi bviselwa n^unda ha mikano ya Riphabuliki: Tenda ha vha na uri Mura^uqo wa Khorotshitumbe u vho^ufolola mu^une uf^uhio na uf^uhio mushumisi kana qiraiva nga maitele o randelwaho, kha u fanela u bvisa li^unwalo lo t^uolwaho nga mapholisa.

U kundelwa u tevhedza ndaela kana ndaedzo ya sipikiṭere wa dziḽaisentsi, muofisiri wa vhuendi, muṭoli wa zwiendi kana muofisiri wa mulalo

11. (1) A hu na muthu ane a ḡo—

- (a) kundelwa u tevhedza ndaela ifhio na ifhio kana ndaedzo ye a ṅewa nga sipikiṭere wa dziḽaisentsi, muofisiri wa vhuendi kana muṭoli wa zwiendisi, kana a thivhela, kundisa kana a thithisana na sipikiṭere ufhio na ufhio wa dziḽaisentsi, muofisiri wa vhuendi kana muṭoli wa zwiendi kha u shumisa maanḡa afhio na afhio kana u ita mushumo ufhio na ufhio fhasi ha uyu Mulayo;
- (b) kundelwa u tevhedza ndaela ifhio na ifhio kana ndaedzo ye a ṅewa nga muofisiri wa mulalo, kana u thivhela, kundisa, kana u thithisana na muofisiri wa mulalo ufhio na ufhio kha u shumisa maanḡa afhio na afhio a yelanaho na mbekanyelo dza uyu Mulayo dzo ṅekedzwaho ene fhasi ha khethekanyo 334 ya Mulayo wa kuitele kwa Vhugevhenga, 1997 (Mulayo No. 51 wa 1977);
- (c) u itelwa u kombetshedza muthu ufhio na ufhio o bulwaho kha phara (a) kana (b) u ita kana u litsha u ita nyito ifhio na ifhio malugana na u shumisa maanḡa awe kana u ita mushumo wawe kana nga ṅwambo wa muthu onoyo musi o no ita kana o litsha u ita nyito yeneyo, a shushedza kana a dzhinginya u shumisa khakhathi kha kana mutsiko kha muthu onoyo kana ufhio na ufhio wa mashaka awe kana vhaunḡiwa, kana a shushedza kana a dzinginya khuvhadzo ifhio na ifhio kha ndaka ya onoyo muthu kana ya muṅwe wa mashaka awe kana vhaunḡiwa.

(2) Tshifhinga tshiṅwe na tshiṅwe u bviswa ha ḽiṅwalo ḽifhio na ḽifhio ḽi si ṭoḡe u nambatedzwa kha tshiendisani kana ḽa dzula nae tshiendisani nga muthu ufhio na ufhio ḽi tshi ṭoḡea hu tshi tevhedzwa khethekanyo 7(b) kana 10(i) u bviswa haḽo tshiṭitshini tsha mapholisa tshifhio na tshifhio kana ofisi yo khethwaho nga vhulaedzwa vhu konaho uri i shumiswe nga muofisiri wa vhuendi kana muofisiri wa mulalo, tshifhingani tsha maḡuvha maṭanu na mavhili murahu ha u ṭoḡiwa nga u ralo, zwi ḡo dzhiwa sa u tevhedza ho eḡanaho mbilo.

(3) Tshifhinga tshiṅwe na tshiṅwe musi ḽiṅwalo ḽifhio na ḽifhio ḽi tshi bviswa hu tshi tevhedzwa khethekanyoṭhukhu (2) tshiṭitshini tsha mapholisa tshifhio na tshifhio kana ofisi yo bulwaho kha iyo khethekanyoṭhukhu, muofisiri a re na vhuḡifhinduleli na itsho tshiṭitshi tsha mapholisa kana ofisi yo vhetshelwaho thungo nazwenezwo u ḡo ḡivhadza muofisiri o itaho ṭhḡea yeneyo nahone u ḡo ṅea thendelo ya u bviswa ha ḽo ḽiṅwalo kha muthu ane a khou ḽi bvisa.

(4) Hune lijwalo la vha li songo bviswa hu tshi tevhedzwa khethekanyo (2) nahone maitela afhio na afhio a khou toda u netshedzwa kha kana u disedzwa kha muthu hu tshi tevhedzwa khethekanyo 54, 56, 72 kana 341 ya Mulayo wa Nyito dza vhugevhenga, 1977, sipikitere wa dzi laisentsi, muofisiri wa vhuendi kana muofisiri wa mulalo a nga toda u kandiswa ha gunwe la tsha monde la muthu ane nyito ya livhana nae kha iyo nyito, nahone uyu muthu u do tewa nga u disedza uho u kandiswa nga maitele na fhethu kana fhethu kha ilo lijwalo na dzikopi dzenedzo sa zwo laedzwaho nga sipikitere, muofisiri kana mulingi a kwameaho: Tenda ha vha hu uri arali zwi sa konadzei u wanala ha khandiso ya gunwe la monde la uyu muthu, u kandiswa ha munwe munwe ufho na ufho hu nga todea, hune munwe une wa khou shumiswa u do talusiwa nga u tou hwala nga sipikitere, muofisiri kana mulingi a kwameaho fhasi ha khandiso inwe na inwe ya uyo munwe.

U diitisa muofisiri o laedzwaho kana muofisiri wa mulalo kana u itisa uyo muofisiri ufho na ufho u tutshela mushumo wawe

12. (1) Muthu ufho na ufho ane a si vhe muofisiri o laedzwaho kana muofisiri wa mulalo ha nga ri nga ipfi, a ita u difara, u diita uri ene u muofisiri o laedzwaho kana muofisiri wa mulalo.

(2) A huna muthu ane a do ita tshimbevha kana a itisa uri kana a linga u itisa muofisiri ufho na ufho o laedzwaho kana muofisiri wa mulalo u siedza u ita mishumo yawe kana u ita nyito i lwaho na mushimo wawe.

NDIMA YA II

VHAFUNZEDZI

Mufunzedzi u a redzhisitariwa na u Gireidiwa

13. (1) A hu na muthu ane a do shuma sa mufunzedzi nga nnda ha musi o redzhisitariwa na u gireidiwa hu tshi tevhedzwa khethekanyo 15.

(2) A hu na muthu ane a do thola muthu munwe ufho na ufho sa mufunzedzi, kana a shumisa tshumelo dzawe sa mufunzedzi, nga nnda ha musi onoyo o redzhisitariwa sa mufunzedzi hu tshi tevhedzwa khethekanyo 15.

Khumbelo ya u redzhisitariwa sa Mufunzedzi

14. (1) Muthu a todaho u redzhisitariwa sa mufunzedzi u do zwi humbela kha Mura do wa Khorotshitumbe onoyo nga maitele o randelwaho.

(2) Khumbelo yo bulwaho kha khethekanyo hukhu (1) i do fhelekedzwa nga tshelede yo randelwaho.

U redzhisiṭara na u gireida vhafunzedzi

15. (1) Arali Muraḍo wa Khorotshitumbe o fushea uri muhumbeli o bulwaho kha khethekanyo 14 u fusha vhukoni na ṭhodea dza u gireida sa zwo randelwaho zwi yelanaho na khethekanyo yo tiwaho ya khumbelo, u ḑo redzhisiṭara na u gireida onoyo muhumbeli nga maitele o randelwaho.

U fhaḥewa na u khantselwa ha u redzhisiṭarwa ha mufunzedzi

16. (1) Muraḍo wa Khorotshitumbe onoyo a nga fhaḥea nga maitele o randelwaho tshifhinga tshenetsho tshine a nga vhona tsho tea, kana a khantsela u redzhisiṭarwa ha mufunzedzi arali onoyo mufunzedzi—

- (a) nga kuhumbulele kwa Muraḍo wa Khorotshitumbe e na vhukhakhi ha u sa ḑifara kha u shumisa maanḑa awe kana u ita mushumo wawe; kana
- (b) o kundelwa u dzhenela khoso yo teaho ya mvuseledzo sentharani ya u gudisa yo tendelwaho nga Muraḍo wa Khorotshitumbe tshifhingani tsho randelwaho.

NDIMA YA III**U PIKIṬELWA HA ZWIṬITSHI ZWA U THESITA NA VHUPO HA
U THESITA HA LAISENTSI DZA U REILA****U vḥewa ha Zwipikiṭere zwa zwiṭitshi zwa u thesita**

17. (1) Muraḍo wa Khorotshitumbe u ḑo ta muthu, vhulaedzwa kana dzangano sa vḥupikiṭeri ha zwiṭitshi zwa u thesita.

(2) Maanḑa na mishumo ya vḥupikeṭeri ho bulwaho ha zwiṭitshi zwa u thesita zwi tshi elana na u ṭolwa na u laulwa ha maimemele, u gireida na u laulwa ha maimemele, u gireida na u shuma na zwiṭitshi zwa u thesita zwi ḑo vha sa zwo randeliwaho.

(3) Muraḍo wa Khorotshitumbe a nga, u itela u badela zwibviswa zwo itwaho nga kana ho imelwa vḥupikiṭeli ho bulwaho u itela u shuma mishumo yayo, mbadelo dzo randelwaho malugana na u lingwa huṇwe na huṇwe ho itwaho, kana u thesitiwa ho itwaho malugana na u lugela u vha badani ha tshiendi tsha moḑoro.

U vḥewa ha zwipikiṭere zwa vḥupo ha u thesita laisentsi dza u reila

18. (1) Muraḍo wa Khorotshitumbe u ḑo ta muthu, vhulaedzwa kana dzangano sa mupikiṭeri wa vḥupo ha u thesita laisentsi ya u reila ha Vundu.

(2) Maanḑa na mishumo ya sipikiṭere malugana na u ṭolwa na u langa maimemele, u gireida na kushumele kwa vḥupo ha u thesita laisentsi ya u reila zwi ḑo vha sa zwo randelwaho.

(3) Muraḍo wa Khorotshitumbe a nga, u itela u badela zwibviswa zwo itwaho nga kana ho imelwa zwipikiṭere zwo bulwaho u itela u ita mishumo yayo, malugana na u ṭolwa ho itwaho hu tshi tevhedzwa iyi khethekanyo.

NDIMA YA IV

TSHELEDE DZA U PAKA

Maand'a a Muvhuso wapo kha u kuvhanganya tshelede

19. (1) Muvhuso wapo nga jikumedzwa hu tshi itelwa ndivho dzo bulwaho khethekanyoni thukhu (3)(a) u nga badelisa tshelede malugana na u pakiwa ha zwiendedzi badani ifhio na ifhio ya Nnyi na Nnyi kana tshipida tshayo vhuponi ha ndango yawo.

(2) Tshelede yo bulwaho kha khethekanyo (1) i nga fhambana malugana na bada dza Nnyi na Nnyi dzo fhambanaho kana khethekanyo dzo fhambanaho dza bada yeneyo nthihi ya Nnyi na Nnyi.

(3) (a) Arali metere ya vhupaki yo dzheniselwa u itela u kuvhanganya tshelede kana hu na muhumbulo wa u langa vhuendi i do dzheniswa hu tshi tevhedzwa vhupo ha vhupaki ho khethekanywaho nahone i do hwala mafhungolungano a sumbedzisaho maduvha na iri dzine mbadelo dza u paka dza do badelwa ngadzo na tshelede i badelwaho kha tshifhinga tsho sumbedziswa tsha vhupaki.

(b) Arali maitele afhio na afhio nga nda ha a metere wa vhupaki a tshi shumiswa kha u kuvhanganya tshelede dzo bulwaho kha khethekanyothukhu (1) hu do itwa mbetshelo ya uri hu tanwe luswayo vhupakini vhu kwameaho lu sumbedzisaho maduvha na iri dzine mbadelo dza u paka dza do badelwa, tshelede yotho i badelwaho kha tshifhinga tsho sumbedziswa tsha u paka na maitele a kubadelele a tshifhinga tsho sumbedziswa tsha u paka.

(4) (a) Vhulapfu ha tshifhinga tshine tshiendedzi tsha nga pakwa lwa mulayo vhupakini ho bulwaho kha khethekanyothukhu (3)(a) nga nda fhedzi ha musu ho sumbedziswa zwi fhambanaho nazwo, tshi do vha sa zwine tsha do pimiswa zwone nga metere wa vhupaki honoho;

(b) Arali maitele mañwe afhio na afhio nga nda ha a metere wa vhupaki a tshi shumiswa u kuvhanganya tshelede yo bulwaho kha khethekanyothukhu ya (1) vhulapfu ha tshifhinga vhune tshiendedzi tshi nga pakwa lwa mulayo vhuponi ha u paka ho bulwaho kha khethekanyothukhu (3)(b) nga nda fhedzi ha musu ho sumbedziswa zwiñwe zwi fhambanaho nazwo, tshi do vha nga maitele a kwameaho malugana na tshiendedzi tshi kwameaho.

(5) Muvhuso wapo ufho na ufho u nga thomisa kha bada ya Nnyi na Nnyi vhuponi hu re ndangoni ya dzirenge na zwannde (zwine zwa do divhiwa sa fhethu ha u paka ha sipeshele) ha u paka zwiendedzi zwi hwalaho vhanamedzwa, kana kilasi fhio na ifhio ya zwenezwo zwiendedzi sa zwo randeliswa zwone nahone u nga ita milayo yapo ya u laula na u langa mashumiselwe a afho fhethu ha u paka ha sipeshele—

(a) u itela u vhekanyela u bviswa ha thendelo dzi avhelwaho fhethu ha u paka honoho ha sipeshele kana mikhethekanyo ya zwenezwo kha vhatu vhenevho kana zwiendedzi zwenezwo uri vha hu shumise vhe vhothe vha sa kovhani na vhañwe;

- (b) u itela u thivhela mashumiselwe a fhethu ha u paka ha sipeshela hufhio na hufhio kana mukhethekanyo wo avhelwaho ngauralo nga muñwe muthu ufhio na ufhio kana tshiendedzi tshifhio na tshifhio;
- (c) u itela u badelisa tshelede malugana na mashumiselwe a fhethu ha u paka ha sipeshela; na
- (d) u itela u vhekanyela mafhungo a elanaho na zwenezwo: Tenda ha vha na uri mbetshelo i nga itwa kha thendelo ifhio na ifhio kana kha u vusuludza hufhio na hufhio honoho ha u fhungudzwa ha dziiri dzine khadzo mufari a do vha na mashumisele a si na khovhano a honoho fhethu ha sipeshela ha u paka hone na hone hune tshifhingani tshenetsho mashumiselwe aho nga muthu muñwe ufhio na ufhio a iledzwa.

(6) Kha muavhelo wa u thoma wa fhethu ha u paka ha sipeshela kana mukhethekanyo wo bulwaho kha khethekanyothukhu (5) muvhuso wapo nga afho hune zwa konadzea ngaho, u do thonifha vhulaphu ha tshifhinga tshine ngatsho muhumbeli wa fhethu a vha o farea kha bindu la u hwala vhanamedzwa la mbadelo nga kilasi ya tshiendedzi tshi kwameaho.

(7) Milayo yapo yo itwaho hu tshi tevhedzwa khethekanyothukhu (5) i do vhekanyelwa mvusuludzo ya ñwaha nga ñwaha hu tshi tevhedzwa vhuðifari kwae ha muhumbeli ha pfanelo ya u shumisa honoho fhethu ha u paka ha sipeshela hufhio na hufhio kana mukhethekanyo wa honoho.

(8) Tshelede dzothe dzo kuvhanganywaho nga muvhuso wapo nga nthani ha metere ya vhupaki, kana malugana na vhupo ha vhupakelo vhufhio na vhufhio kana fhethu ha sipeshela ha vhupakelo sa ho bulwaho khethekanyoni iyi, nga nnda ha thendelo ya Muraðo wa Khorotshitumbe a kwameaho, hu do shumiswa fhedzi u badela mutengo wa, na hone hune zwa sokou itea, tshikimu tshifhio na tshifhio, mushumo kana tshipiða tsha mushumo tsha khwiniso kana ndaulo ya maitele a vhuendi vhuponi ha muvhuso wonoyo, hu tshi katelwa na mitengo ya u dzhenisa na u londata metere dza vhupakelo dzenedzo dzifhio na dzifhio, vhupo ha vhupakelo kana fhethu ha sipeshela ha vhupakelo.

(9) Tshumiso ya maanða awo nga muvhuso wapo nga fhasi ha khethekanyo iyi a i nga swikisi muvhuso kha vhuðifhinduleli malugana na ndozwo kana tshinyadzo ya tshiendedzi tshifhio na tshifhio kana zwi re ngomu kana zwidzheniswa zwa tshiendedzi tshifhio na tshifhio tshenetsho musi tshiendedzi tshenetsho tshi fhethu ha vhupakelo, vhupo ha vhupakelo kana fhethu ha vhupakelo ha sipeshela.

NDIMA YA V

MAHUMBULELWA NA MATSHIMBIDZELWE A MULAYO

Mahumbulelwa malugana na

20. (1) Afho hune khatuloni ifhio na ifhio ire nga fhasi ha uyu Mulayo ha khwaṭhiswa zwauri vhukhakhi ho itwa badani ya Nnyi na Nnyi, bada i kwameaho u swikela zwi hanedzaho zwenezwo zwi tshi bvukululwa i ḡo humbulelwa u vha baba ya Nnyi na Nnyi.

(2) Afho hune khatuloni ifhio na ifhio ire nga fhasi ha uyu Mulayo ha khwaṭhiswa zwauri vhukhakhi ho itwa kha firiwei, bada i kwameaho u swikela zwi hanedzaho zwenezwo zwi tshi bvukululwa i ḡo humbulelwa uri ndi firiwei.

(3) Afho hune khatuloni ifhio na ifhio ire nga fhasi ha uyu Mulayo ha khwaṭhisa zwauri vhukhakhi ho itwa badani ya Nnyi na Nnyi ya vhuṑoni ha ḡoroboni, bada i kwameaho u swikela zwi hanedzaho zwenezwo zwi tshi bvukululwa i ḡo humbulelwa uri ndi bada ya Nnyi na Nnyi vhuṑoni ha ḡoroboni.

Mahumbulelwa a uri ene muṑe o reila kana o paka tshendedzi

21. (1) Afho hune khatuloni nga fhasi ha Mulayo uyu ha ṭodea vhuṭanzi ha u bvukulula uri mureili wa tshiendedzi ndi nnyi zwi ḡo humbulelwa u swikela zwi hanedzaho zwenezwo zwauri tshiendedzi tshene-tsho tsho vha tshi tshi khou reilwa nga muṑe watsho.

(2) Lini na lini musi tshiendedzi tsho pakiwa lwa u pfuka mbetshelo ifhio na ifhio ya Mulayo uyu kana mulayo wapo wo itwaho nga fhasi hawo, u swikela zwi hanedzaho zwenezwo zwi tshi bvukululwa zwi ḡo humbulelwa uri tshendedzi tshenetsho tsho pakwa nga muṑe watsho.

(3) Hu tshi itelwa ndivho dza khethekanyoṭhukhu (1) na (2) zwi ḡo humbulelwa u swikela zwi hanedzaho zwenezwo zwi tshi bvukululwa zwauri afho hune muṑe wa tshiendedzi tshi kwameaho a vha tshiimiswa tsha pfanavhanzhi, tshenetsho tshiendedzi tsho reilwa kana tsha pakiwa sa zwe zwa humbulelwa zwone kha khethekanyoṭhukhu dzenedzo nga mulangi kana mushumeli wa tshiimiswa tsha pfanavhanzhi kha tshumiso ya maanḡa awe kana nyitoni ya mishumo yawe sa mulangi onoyo kana mushumeli kana kha u bveledza kana u edzisa u bveledza madzangalelo a tshiimiswa tsha pfanavhanzi.

22. Khatuloni ifhio na ifhio nga fhasi ha mbetshelo dzifhio dza Mulayo uyu, vhuṭanzi ha uri muthu ufhio na ufhio u imela u shuma kana o vha o imela u shuma sa muofisiri wa vhuendi kana muṭoli wa laisentsi dza vhureili vhu ḡo vha vhuṭanzi ha prima facie ha ṭholelo yawe na maanḡa awe a u ita ngauralo: Tenda ha vha na uri mbetshelo dza khethekanyo iyi a dzi nga shumi malugana na u hweswa mulandu kha mulandu u elanaho na nyedzisavhuvha.

NDIMA YA VI

DZIKHWELELO

Pfanelo ya u hwelela kha Premia

23. (1) Muthu ufho na ufho, Muhasho wa Muvhuso ufho na ufho kana vhulaedzwa vhufho na vhufho ha u hwalisa ho vhaishwaho—

- (a) nga u hana ha Murafo wa Khorotshitumbe kha u mu hwalisa kana kha u hwalisa nga afho hune zwa nga vha zwone kha maanda afho na afho o bulwaho kha thandavhudzo ya muofisiri o laedzwaho kana sa senthara ya u thesitha laisentsi ya vhureili kana sa tshiriki tsha u thesitha sa mugudisi;
- (b) nga nyimiso kana u phumulwa/thuthwa ha muhwaliso ufho na ufho wonoyo kana munangudzo ufho na ufho wonoyo; kana
- (c) nga phetho ifho na ifho inwe-vho ya Murafo wa Khorotshitumbe i elanaho na vhuithwa ha muthu, hu sathu fhira maduvha a 21 murahu ha u hanelwa honoho, nyimiso kana muphumulo kana phetho yeneyo a nga humbela khatululo kha Premia ya khanelo, nyimiso kana muphumulo kana phetho yeneyo nga u tou hwala nahone muthu onoyo kana muhaso muvhuso kana maandalanga a vhuhwali nga tshifhinga tshenetshe tshithihi a do nekedza kopi ya khwelelo kha Murafo wa Khorotshitumbe.

(2) Murahu ha u tangedzwa ha Kopi ya Khwelelo yo bulwaho kha khethekanyothukhu (1) Murafo wa Khorotshitumbe na zwenezwo u do mbo di nekedza Premia mihumbulo yawe kana ya khanelo, nyimiso kana muphumulo kana phetho ine Khwelelo ifho na ifho ya livhanyiswa nayo.

(3) Premia murahu ha u sedzulusa Khwelelo hu tshi tevhedzwa khethekanyothukhu (1) a nga nea yeneyo phetho ine a nga vhone yo tea.

(4) Khwelelo yo bulwaho kha khethekanyothukhu (1) i katela khatululo i livhanaho na khanelo ifho na ifho, nyimiso kana muphumulo kana phetho ya Murafo wa Khorotshitumbe i elanaho na mulayo wa Badani wa Vhuendi wa Lushaka wa 1996.

Pfanelo ya u hwelela kha Murafo wa Khorotshitumbe

24. (1) Muthu ufho na ufho o vhaishwaho nga u hana ha mulingi wa dzilaisentsi dza madiraiva u bvisa kana u tendelwa u bviselwa ene ha laisentsi ya mugudi kana ya diraiva tshifhinganani tsha maduvha a 21 murahu ha u hana honoho, a nga hwelela kha Murafo wa Khorotshitumbe wa Vundu le onoyo mulingi a vheva khalo sa zwenezwo, huno onoyo muthu nga tshifhinga tshi tshenetshe u do nekedza Kopi ya Khwelelo kha onoyo mulingi.

(2) Muthu ufho o vhaishwaho nga u hana ha mulingi wa zwiendedzi kana tshitiitshi tsha u thesitela kha u bvisa thanziela ya vhwetwa nga bada malugana na tshiendedzi tsha moqoro kana u tendela u bviswa ha hei thanziela kha ene kana nga maitele e hu tshi tevhedzwa one hei thanziela ya bviselwa ene hu sathu fhira maduvha a 21 murahu ha khanelo yeneyo kana murahu ha u bviswa ha thanziela hu tshi tevhedzwa maitele a kwameaho, a nga hwelela nga u tou n'wala nga ha khanelo ifho na ifho yeneyo kana maitele a kwameaho kha Muraqo wa Khorotshitumbe ya Vundu le onoyo mulingi a tholwa khalo e zwenezwo kana he tshenetsho tshitiitshi tsha u thesitela tsha n'waliswa hone na uri muthu onoyo tshifhinga tshenetsho u qo nekedza Kopi ya Khwelelo kha mulingi kana tshitiitshi tsha u thesitela tshi kwameaho.

(3) Musi Kopi ya Khwelelo yo bulwaho kha khethekanyothukhu (1) na (2) yo no tangedzwa onoyo mulingi wa laisentsi dza madiraiva u qo mbo q' nea Muraqo wa Khorotshitumbe tshiitisi tshawe tsha u hana tshine yeneyo khwelelo ya bula.

(4) Kha u itela u tshea la khwelelo hu tshi tevhedzwa khethekanyothukhu (1), Muraqo wa Khorotshitumbe a nga ta muthu ufho na ufho u linga na u thesita muhweleli kha ha vhukoni hawe ha u qiraiva tshenetsho tshigwada tsha tshiendisi tsha moqoro huno nga n'ha hazwo a nga qoda tshigwada tshinwe na tshinwe tshi tshi nea eneo mafhungo na vhu'anzi vhune a nga vhona ho tea.

(5) Hu tshi itelwa u tshea la khwelelo hu tshi tevhedzwa khethekanyothuku (2) Muraqo wa Khorotshitumbe—

(a) afho hune khwelelo ya kwama thanziela ya vhwetwangabada a nga itisa uri tshiendisi tshi kwameaho tshi tolwe na u thesitiwa nga mulingi wa zwiendedzi zwo tiwaho nga ene; na uri

(b) a nga qoda tshigwada tshinwe na tshinwe tshi re khweleloni tshi tshi nekedza eneo mafhungo na vhu'anzi sa zwine ene a nga vhona zwi tshi qodeisa zwone.

(6) Muraqo wa Khorotshitumbe musi o sedzulusa khwelelo dzi kwameaho a nga nea phetho nga hune a vhona zwo fanelisa zwone.

(7) Khwelelo yo bulwaho kha khethekanyothukhu (1) na (2) i katela khwelelo i livhanyiswaho na khandzo ifho na ifho, nyimiso kana muphumulo kana tsheo nga muthu ufho na ufho hu tshi tevhedzwa Mulayo wa Vhuendi wa Badani wa Lushaka wa 1996.

NDIMA VII

DZINDAULO NA MILAYO YAPO

Maand'a a Minista kha u ita dzindaulo

25. (1) Minista a nga ita dzindaulo dzi sa hanedzani na mbetshelo dza uyu Mulayo na Mulayo wa Badani wa Vhuendi wa Lushaka malugana na mafhungo afhio na afhio a humbulelwaho, a todeaho kana a tendelwaho u randelwa nga fhasi ha Mulayo uyu nahone nga u angaredza nga matshimbizelwe a vhuḍi a mbetshelo kana ndivho dza uyu Mulayo kana Mulayo wa Badani wa Vhuendi wa Lushaka wa 1996 nahone lwa sipeshela fhedzi hu si lwa mihumbulo yo tikedzwaho nga zwiitisi kana ndivho yo linganelaho kha vhuangaredzi ha mbetshelo dzi kha ḍi bva u bulwa malugana na uri—

- (a) tshiendedzi tsha moḍoro, muvhala na zwiṭaluli zwa luswayo lwa vhuṅwalisi kana nomboro i no ḍo ṭaniwa nga fhasi ha Mulayo uyu na zwithusedzi zwi no ḍo shumiswa u itela uri luswayo lufhio na lufhio lwonolo kana nomboro i kone u vhonelesa zwavhuḍi musi hu vhusiku kana hu masiari musi tshiendedzi tshifhio na tshifhio tshi tshi khou tshimbizwa badani ya Nnyi na Nnyi;
- (b) hu tshi tevhedzwa ndaulo dzo itwaho fhasi ha Mulayo wa Badani wa Vhuendi wa Lushaka wa 1996, u ima nga na u pakiwa ha zwiendisi bandani dza Nnyi na Nnyi;
- (c) Maitele a u ta vhuṭanzi vhuḥfio na vhuḥfio vhune ha todea hu tshi itelwa ndivho dza Mulayo uyu;
- (d) tshivhumbeo tshifhio na tshifhio kana maitele kana tshiimeli tshine Muraḍo wa Khorotshitumbe a nga vhona tsho tea lwa ndivho dza hoyu Mulayo na nzulele na vhuḥapfu ha mafhungo afhio na afhio a no ḍo ṅekedzwa hu tshi itelwa tshivhumbeo tshifhio na tshifhio;
- (e) u bviswa ha mukokotolo wa ṭhanziela, laisentsi kana liṅwalo liṅwe-vho kana tshiimeli tsho bviswaho hu tshi tevhedzwa hoyu Mulayo arali ya mathomo yo xela, tshinyadzwa kana thuthea kana zwidodombedzwa zwifhio na zwifhio zwayo zwi sa tsha vhalea;
- (f) zwiambaro, hu tshi katelwa na betsho dza maimo a vhaofisiri vha vhuendi kana vhalindi vha vhuendi vho tholwaho hu tshi tevhedzwa khethekanyo 3;
- (g) tshelede dzine dza nga kana dza ḍo badeliswa malugana na vhuredzhisitari na u laisentsiwa ha zwiendisi zwa moḍoro sa zwo humbulelswaho zwone Mulayoni wa Badani wa Vhuendi wa Lushaka wa 1996.

(2) Maand'a a u ita dzindaulo dza ndivho ifhio na ifhio yo bulwaho kha khethekanyoṭhukhu (1) a ḍo katela maand'a a u fhungudza kana u thivhela mafhungo afhio na afhio kana tshithu tshi elanaho na yeneyo ndivho khamusi lwa vhukuma kana lwa nyimele.

(3) Ndaulo ifhio na ifhio i re nga fhasi ha mulayo uyu i nga itwa uri i shumiswe lwa vhuangaredzi kha Vundu lothe kana tshipidani tshalo tshifhio na tshifhio tsho bulwaho kana kha khethekanyo yo tiwaho ifhio na ifhio ya tshiendisi kana muthu.

(4) Ndaulo yo itwaho fhasi ka khethekanyothukhu (1) i nga vhekanyela ndatso dza u pfukwa hayo nahone hafhu dza u pfukwa hayo nahone hafhu dza ndatso dzo fhambanaho malugana na vhukhakhi vhu sa khauwi kana vhuyaho phanda, fhedzi ndatso a i nga fhiri faini kana u valelwa lwa tshifhinga tsha nwaha muthihi.

(5) Musi Minista a sathu ita ndaulo ifhio na ifhio nga fhasi ha khethekanyo iyi, arali a tshi vhona zwi na thuso a nga itisa uri dirafuti ya ndaulo yo dzinginywaho i andadzwe kha Gazete/Gurandza ya Muvhuso khathihi na ndivhadzo i rambaho vhatu vhothe vha re na dzangalelo nga u tou nwala, hu saathu fhira tshifhinga tsho tiwaho kha ndivhadzo, fhedzi tshi siho fhasi ha vhege nga u bva kha deithi ya nyandadzo ya ndivhadzo vha dzhenise dzikhanedzo na dzimbilaelo dzavho dzifhio na dzifhio dzine vha tama u isa kana u ita kha Mulangi Muhulu uri a swikise kha Minista: Tenda ha vha na uri arali Minista nga murahu a phetha la u shandukisa ndaulo dza thukho (dirafuti) nga nthani ha khanedzo kana dzimbilaelo dzo swikiswaho malugana na zwenezwo a zwi nga tou vha thodea u andadza dzenedzo tshandukiso phanda ha musu hu sathu itwa ndaulo.

Maandza a Muvhuso Wapo kha u ita Milayo Yapu

26. (1) Hu tshi tevhedzwa mbetshelo dza mulayo ufhio na ufhio u elanaho na matshimbizelwe a teaho u tevhelwa u itwani, u tendelwani na u thoma u shumiswa ha milayo yapu ifhio na ifhio nga maandzanga apo, maandzanga afhio na afhio nga thendelano na Murafo wa Khorotshitumbe a nga ita milayo yapu i sa hanedzani na mbekanyelo dza hoyu Mulayo kana Mulayo wa Vhuendi wa Badani wa Lushaka malugana na—

- (a) tsireledzo ya vhuendi badani ya Nnyi na Nnyi ifhio na ifhio, pfanelo/mushumo wa mushumisi ufhio na ufhio wa bada yeneyo na mashumiselwe a bada ifhio na ifhio yeneyo nga tshiendedzi tshifhio na tshifhio;
- (b) hu tshi tevhedzwa mbetshelo dza Mulayo na Mabindu wa 1991 na ndaulo ifhio na ifhio kana mulayo wapo ufhio na ufhio wo itwaho fhasi ha wonoyo malugana na u thungudzwa, ndaulo na ndango ya u bveledza bindu la muvhambadza zwitaratani, muvhambadza nga baisigila kana ratshimawu, u ima nga na u pakiwa ha tshiendedzi tshifhio na tshifhio badani ya Nnyi na Nnyi kana tshipidani tshayo, hu tshi katelwa na milayo yapu i elanaho na mudzheniso, ndaulo, vhulavheleswi, ndondolo na ndango ya mitere dza vhupakeloni na vhupakeloni;

- (c) u tholwa na u newa laisentsi ha vhathusi vha vhupakeloni na u humiswa ha laisentse ifhio na ifhio yo tou raloho;
- (d) mureili kana mulaula tshiendedzi kana muthu muñwe-vho o tholwaho malugana na tshiendedzi tshi hiriswaho kana tshi tangedzaho vhanameli vha u hira;
- (e) hu tshi tevhedzwa mbetshelo dza Mulayo wa Mabindu wa 1991 na ndaulo ifhio na ifhio kana mulayo wapo ufhio na ufhio wo itwaho nga fhasi ha wonoyo malugana na u fhungudzwa, ndaulo na ndango ya u bveledzwa ha bindu la muvhambadza zwiatarani, muvhambadza nga baisigila kana ratshimauswu, bada ya Nnyi na Nnyi ifhio na ifhio i sa tei u shumiswa nga tshiendedzi tshifhio na tshifhio khamusi lwa vhuangaredzi kana nga zwifhinga zwo tiwaho;
- (f) maimo o livhanaho badani ya Nnyi na Nnyi a vhuendi ha luvhilo lwo fhambanaho na kilasi dzo fhambanaho;
- (g) fhethu hune na tshifhinga tshine tshiendedzi tshi nga si rembuluwe u itela u livha sia lo fhambanaho na le tsha vha tsho livha khalo na hune tsha nga rembuluwa ngauralo nga fhasi ha maimela o tiwaho;
- (h) u laiswa na u lausululwa ha tshiendedzi tshifhio na tshifhio badani ya Nnyi na Nnyi;
- (i) Ndayo dzi livhanaho na vhurangeli ha u dzhena ha zwiñwe zwiendedzi badani khulwane ya vhuendi ya Nnyi na Nnyi;
- (j) u shumiswa ha bele, tsimbi kana zwishumiswa zwiñwe-vho zwa vhusevhi na maimela ane fhasi hao tshifhio na tshifhio tsha zwishumiswa zwa vhusevhi tsha nga shumiswa vhuveni ho tiwaho lwa tshifhinga tshotha kana nga zwifhinga zwo tou tiwaho;
- (k) u vhewa ha bodo ya ndango ya vhuetschedzi ha vhuendi i vhumbwaho nga mirado i siho fhasi ha miraru ya u eletshedza maangalanga apo kha thaidzo dzothe dza ndango ya vhuendi;
- (l) mashumiselwe a bada ya Nnyi na Nnyi ifhio na ifhio ya vhuendi nga u tou angaredza;
- (m) vhuhungudzi ha vhukale ha vhareili vha zwiendedzi zwi kokodzwaho na zwifuwo;
- (n) fomo ifhio na ifhio kana tshiimeli tshifhio na tshifhio tshine maangalanga apo a vhona tshi na thuso kha ndivho dza mulayo wapo ufhio na ufhio na lushaka na vhulapfu ha vhuñanzi vhufo na vhufo vhune ha do nekedzwa nga ha fomo ifhio na ifhio yeneyo;

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- (o) u koniswa ha maandalanga apo afhio na afhio kha tshiwo tsha muthu ufho na ufho a balelwaho u ita tshithu tshifho na tshifho tshi todeaho khae nga fhasi ha mulayo wapo ufho na ufho u ita nyito yeneyo na u lifhululisa mitengo ya zwene-zwo nga muthu a re kha vhukhaki honoho;
- (p) tshileme tsha thundu dzifho na dzifho dzine kana mbalo ya vhanamedzwa vhané kana zwifuwo zwine zwa nga hwalwa nga baisigila i tshoviwaho;
- (q) ndaulo, u fhungudzwa; u thivhelwa kana ndango kana mapakele badani ya Nnyi na Nnyi ya zwiendedzi zwa vhavhambadzi kana zwo vhulungwaho kana u shumiswa nga vhavhambadzi kana zwo vhewaho kha vhulondoti havho kana fhasi ha ndango yavho musi zwi kha mushumo wa muvhambadzi ufho na ufho u tshimbidzwaho nga zwone; na
- (r) mafhungo manwe afhio na afhio ane malugana nao maandalanga apo a nga ita milayo yapo nga fhasi ha uyu Mulayo.

(2) Maanda a u ita milayo yapo ya ndivho ifho na ifho yo bulwaho kha khethekanyothukhu (1) a do katela maanda a u fhungudza na u thivhela mafhungo afhio na afhio kana tshithu tshifho na tshifho malugana na ndivho yeneyo lwa tshothé kana lu re na maiméle.

(3) Mulayo wapo ufho na ufho nga fhasi ha khethekanyothukhu (1) u nga itelwa u shumiswa lwa vhuangaredzi vhuponi hothé ha maandalanga apo kano ngomu ha tshipida tsho tiwaho tshifho na tshifho tshaho kana kha khethekanyo ifho na ifho yo tiwaho ya tshiendedzi kana muthu.

(4) Nga afho hune milayo yapo ifho na ifho ya maandalanga apo, yo itwaho fhasi ha Mulayo uyu kana mulayo ufho na ufho muñwe-vho ya nga hanedzana na mulayo ufho na ufho u re fhasi ha Mulayo uyu kana Mulayo wa Badani wa Vhuendi wa Lushaka wa 1996, ndaulo i do ima yo tou ralo.

(5) Mulayo wapo ufho na ufho wo itwaho fhasi ha khethekanyo iyi u nga vhekanyela ndatiso dza u pfukwa hawo na hone u nga vhekanyela hafhu ndatiso dzo fhambanaho afho hune ha vha na u pfuka ho tevhekanaho kana hu sa khauwiho fhedzi hune ndatiso ya sa do fhira faini kana u valelwa tshifhinga tsha minwedzi mitanu na muthihi.

Maandalanga apo/Muvhuso wapo u nga ta tshelede

27. (1) Muvhuso wapo, nga likumedzwa la sipeshela u nga ta tshelede i no do badeliswa kha ndivho ifho na ifho yo humbulwaho kha khethekanyo 26.

- (c) u tholwa na u n̄ewa laisentsi ha vhathusi vha vhupakeloni na u humiswa ha laisentse ifhio na ifhio yo tou raloho;
- (d) mureili kana mulaula tshiendedzi kana muthu muñwe-vho o tholwaho malugana na tshiendedzi tshi hiriswaho kana tshi t̄anganedzaho vhanameli vha u hira;
- (e) hu tshi tevhedzwa mbetshelo dza Mulayo wa Mabindu wa 1991 na ndaulo ifhio na ifhio kana mulayo wapo ufhio na ufhio wo itwaho nga fhasi ha wonoyo malugana na u fhungudzwa, ndaulo na ndango ya u bveledzwa ha bindu la muvhambadza zwiṭaratani, muvhambadza nga baisigila kana ratshimauswu, bada ya Nnyi na Nnyi ifhio na ifhio i sa tei u shumiswa nga tshiendedzi tshifhio na tshifhio khamusi lwa vhuangaredzi kana nga zwifhinga zwo tiwaho;
- (f) maimo o livhanaho badani ya Nnyi na Nnyi a vhuendi ha luvhilo lwo fhambanaho na kilasi dzo fhambanaho;
- (g) fhethu hune na tshifhinga tshine tshiendedzi tshi nga si rembuluwe u itela u livha sia lo fhambanaho na le tsha vha tsho livha khaḽo na hune tsha nga rembuluwa ngaauralo nga fhasi ha maimeme o tiwaho;
- (h) u laiswa na u lausululwa ha tshiendedzi tshifhio na tshifhio badani ya Nnyi na Nnyi;
- (i) Ndayo dzi livhanaho na vhurangeli ha u dzhena ha zwiñwe zwiendedzi badani khulwane ya vhuendi ya Nnyi na Nnyi;
- (j) u shumiswa ha bele, tsimbi kana zwishumiswa zwiñwe-vho zwa vhusevhi na maimeme ane fhasi hao tshifhio na tshifhio tsha zwishumiswa zwa vhusevhi tsha nga shumiswa vhuṑoni ho tiwaho lwa tshifhinga tshoṭhe kana nga zwifhinga zwo tou tiwaho;
- (k) u vhewa ha bodo ya ndango ya vhuēletshedzi ha vhuendi i vhumbwaho nga miraḽo i siho fhasi ha miraru ya u eletshedza maanḽalanga apo kha thaḽidzo dzoṭhe dza ndango ya vhuendi;
- (l) mashumiselwe a bada ya Nnyi na Nnyi ifhio na ifhio ya vhuendi nga u tou angaredza;
- (m) vhuḽhungudzwi ha vhukale ha vhareili vha zwiendedzi zwi kokodzwaho na zwifuwo;
- (n) fomo ifhio na ifhio kana tshiimeli tshifhio na tshifhio tshine maanḽalanga apo a vhona tshi na thuso kha ndivho dza mulayo wapo ufhio na ufhio na lushaka na vhulapfu ha vhuṭanzi vhuḽhio na vhuḽhio vhune ha ḽo n̄ekedzwa nga ha fomo ifhio na ifhio yeneyo;

- (o) u koniswa ha maandalanga apo afhio na afhio: kha tshiwo tsha muthu ufho na ufho a balelwaho u ita tshithu tshifho na tshifho tshi todeaho khae nga fhasi ha mulayo wapo ufho na ufho u ita nyito yeneyo na u lifhululisa mitengo ya zwene-zwo nga muthu a re kha vhukhakhi honoho;
- (p) tshileme tsha thundu dzifho na dzifho dzine kana mbalo ya vhanamedzwa vhanane kana zwifuwo zwine zwa nga hwalwa nga baisigila i tshoviwaho;
- (q) ndaulo, u fhungudzwa; u thivhelwa kana ndango kana mapakele badani ya Nnyi na Nnyi ya zwiendedzi zwa vhavhambadzi kana zwo vhulungwaho kana u shumiswa nga vhavhambadzi kana zwo vhwaho kha vhulondoti havho kana fhasi ha ndango yavho musu zwi kha mushumo wa muvhambadzi ufho na ufho u tshimbidzwaho nga zwone; na
- (r) mafhungo manwe afhio na afhio ane malugana nao maandalanga apo a nga ita milayo yapo nga fhasi ha uyu Mulayo.

(2) Maanda a u ita milayo yapo ya ndivho ifho na ifho yo bulwaho kha khethekanyothukhu (1) a do katela maanda a u fhungudza na u thivhela mafhungo afhio na afhio kana tshithu tshifho na tshifho malugana na ndivho yeneyo lwa tshotha kana lu re na maimele.

(3) Mulayo wapo ufho na ufho nga fhasi ha khethekanyothukhu (1) u nga itelwa u shumiswa lwa vhuangaredzi vhuponi hotha ha maandalanga apo kano ngomu ha tshipidza tsho tiwaho tshifho na tshifho tshaho kana kha khethekanyo ifho na ifho yo tiwaho ya tshiendedzi kana muthu.

(4) Nga afho hune milayo yapo ifho na ifho ya maandalanga apo, yo itwaho fhasi ha Mulayo uyu kana mulayo ufho na ufho munwe-vho ya nga hanedzana na mulayo ufho na ufho u re fhasi ha Mulayo uyu kana Mulayo wa Badani wa Vhuendi wa Lushaka wa 1996, ndaulo i do ima yo tou ralo.

(5) Mulayo wapo ufho na ufho wo itwaho fhasi ha khethekanyo iyi u nga vhekanyela ndatiso dza u pfukwa hawo na hone u nga vhekanyela hafhu ndatiso dzo fhambanaho afho hune ha vha na u pfuka ho tevhekanaho kana hu sa khauwiho fhedzi hune ndatiso ya sa do fhira faini kana u valelwa tshifhinga tsha minwedzi mitanu na muthihi.

Maandalanga apo/Muvhuso wapo u nga ta tshelade

27. (1) Muvhuso wapo, nga likumedzwa la sipeshela u nga ta tshelade i no do badeliswa kha ndivho ifho na ifho yo humbulwaho kha khethekanyo 26.

Mbetshelo dza sipentshele dzi elanaho na u paka

32. (1) Hu sa tevhedzwi tshifhio na tshifhio tshi hanedzanaho na zwi re ngomu kha mulayo ufhio na ufhio, vhulaedzwa hapo vhu nga tendela nga maimela o randelwaho nahone hu tshi tevhedzwa maimela o randelwaho—

- (a) muthu ufhio na ufhio ane nga muhumbulo wa uho vhulaedzwa hapo, u na u holefhala lwa muvhili ho randelwaho; kana
- (b) muthu ufhio na ufhio ane a khou endedza kana u thusa muthu o laedzwaho kha phara (a), u bva kha mbetshelo dza mulayo ufhio na ufhio u elanabo na u paka tshiendedzi tsha moḁoro ngomu ha vhupo hatsho vhu re mulayoni.

(2) Vhulaedzwa hapo vhu nga, nahone vhu ḁo nga maitele o randelwaho, ḁea vhupo ha u paka ha sipeshela u itela u paka dzigoloi dzi songo katelwaho dzi reilwaho nga vhatu vho laedzwaho kha khethekanyoṱhukhu (1), nahone afho fhethu ha u paka hu ḁo sumbedzwa nga tshiga tsha vhuendi ha badani.

(3) Vhulaedzwa hapo vhu ḁo langaula kushumela kwa vhupo ha u paka ho bulwaho kha khethekanyoṱhukhu (2) nga ṁḁila yo randelwaho.

(4) Vhulaedzwa hapo vhu kwameaho vhu ḁo ṁea muthu o bulwaho kha khethekanyoṱhukhu (1) vhuṱanzi ha uho u tendelwa.

Muraḁo wa Khorotshitumbe a nga tendela dziṁwe ndifho

33. (1) Muraḁo wa Khorotshitumbe arali o fushea uri tshelede ifhio na ifhio yo badelwaho nga muthu yo fhira tshelede i badeliswaho zwavhuḁi nga fhasi ha Mulayo uyu, a nga tendela ndifho ya tshelede yeneyo kana tshipiḁa tsha tshelede yeneyo tshifhio na tshifhio kha muthu onoyo.

(2) Muraḁo wa Khorotshitumbe ha nga tendeli ndifho ifhio na ifhio fhasi ha khethekanyo iyi nga ṁḁa fhedzi ha musi mbilo ya yeneyo yo ṱanganedzwa nga muofisiri muredzhisiṱari kana vhulanguli ha Vundu vhu kwameaho hu sa athu fhela ṁiṁwaha miraru murahu ha deithi ya mbade-lo i kwameaho.

Vhulaedzwa ha vhuredzhisiṱari vhu tea u ṱolwa nga Muṱolamu vhalelano Dzhenerala

34. Muṱolambalelano Dzhenerala nga tshifhinga tshifhio na tshifhio a nga itisa uri hu itwe muṱolo wa rekhodo dza vhulaedzwa ha vhuredzhisiṱari na mbuelo dzo kuvhanganywaho nga vhulaedzwa honoho fhasi ha Mulayo uyu.

Muṱolo wa u khwaṱhisedza uri mbetshelo dza uyu Mulayo dzi khou bveledzwa

35. (1) Muraḁo wa Khorotshitumbe e nga tendela muthu ufhio na ufhio ane ene Muraḁo wa Khorotshitumbe a vhona o tea u iteala u khwaṱhisedza uri mbetshelo dza uyu Mulayo dzi khou tevhedzwa.

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(2) A huna muthu ane a do thithisa kana u thivhela muthu ufho na ufho kha u bveledzwa ha mutolo wo bulwaho kha khethekanyothukhu (1).

Tshandukiso ya fomo yo randelwaho

36. Murado wa Khorotshitumbe sa zwine a vhona zwi na pfariso a nga tendela vhulaedzwa ha vhuredzhisitari kana vhulaedzwa vhuwe-vho u shumisa vhuimo ha fomo yo randelwaho mushumo wonoyo i fomo yo fhambanaho na fomo yeneyo yo randelwaho nahone ine malugana na vhulaedzwa honoho yeneyo fomo yo shandukiswa i do sedzwa sa i re fomo yo randelwaho ya mushumo wonoyo.

Tsaino i re kha marwalo

37. Muthu ufho na ufho ane a si kone u saina dzina lawe tshifhinga tshiwe na tshiwe musi tsaino yawe i tshi todea kha linwalo lifho na lifho hu tshi tevhedzwa uyu Mulayo u do kandisa fhethu ha zwenezwo gunwe lawe la tshanda tsha monde ngomu ha tshikhala tshe khatsho a vha a tshi do di vha o todea uri a saine dzina lawe na uri arali khandiso ya gunwe lawe la tsha monde i sa wanali u do imisela gunwe lawe nga u tou ralo nga inwe ya khandiso dzawe dza minwe lune kha itshi tshiwo tsha murahu linwalo lo sainwaho ngauralo li do sainelwa nga muofisiri we la kandiswa matoni awe a tshi faedza munwe wo shumiswaho.

U Phadladzwa ha dzindivhadzo

38. (1) Tshifhinga tshiwe na tshiwe musi hu tshi tevhedzwa ndivhadzo ifho na ifho yo tendelwaho kana i todwaho u iselwa kana u bviselwa muthu ufho na ufho, yeneyo ndivhadzo i nga iswa lwa tshivhili kha muthu ane ya livhiswa khae kana ya rumelwa khae nga poswo ya redzhisitari kha diresi ye a guma u divhiwa e khayo: Tenda ha vha na uri diresi yo nekedzwaho nga mufari wa laisentsi ya mureili nga tshifhinga tsha khumbelo yawe ya laisentsi yeneyo kana yo rekhodiwaho dzinani lawe redzhisitarani ya dzilaisentsi dza vhareili kana diresi yo rekhodiwaho yo livhanyiswa na u redzhisitariwa ha tshiendedzi redzhisitarani ya zwiendabvuma sa diresi ya mune wa tshenetsho tshiendedzi i do shuma sa vhudzulo hawe ha ndivhadzamlandu na phetho ya dzindaela dza ndivho dzothe dzi bvaho kha kana lwa ndivho dza uyu Mulayo lwa u iselwa dzindivhadzo, kana kuitele kha onoyo muthu.

(2) Ndisedzo nga poswo yo redzhisitariwaho hu tshi tevhedzwa khethekanyothukhu (1) yo dzhiwa sa yo divhadzwaho nga kuvha la vhufumi nga murahu ha deithi yo gandiwaho kha rasithi ya vhuredzhisitari yo bviswaho nga poswo yo tangedzaho ndivhadzo.

(3) Thanziela nga muofisiri o bviswaho ndivhadzo yo bulwaho kha khethekanyothukhu (1) kana nga muthu a re nga fhasi ha muofisiri onoyo, a tshi bula tshifhinga, fhethu na maitele a u bvisa yeneyo ndivhadzo i do vha vhuanzi ha u ri ndivhadzo yeneyo yo bviswa nga maitele kwae nga nnda fhedzi ha nahone u swikela zwenezwo zwi hanedzeaho na zwenezwo zwi tshi do dzumbululwa.

Mbetshelo dza sipentshele dzi elanaho na u paka

32. (1) Hu sa tevhedzwi tshifhio na tshifhio tshi hanedzanaho na zwi re ngomu kha mulayo ufhio na ufhio, vhulaedzwa hapo vhu nga tendela nga maimela o randelwaho nahone hu tshi tevhedzwa maimela o randelwaho—

- (a) muthu ufhio na ufhio ane nga muhumbulo wa uho vhulaedzwa hapo, u na u holefhala lwa muvhili ho randelwaho; kana
- (b) muthu ufhio na ufhio ane a khou endedza kana u thusa muthu o laedzwaho kha phara (a), u bva kha mbetshelo dza mulayo ufhio na ufhio u elanabo na u paka tshiendzedzi tsha modoro ngomu ha vhupo hatsho vhu re mulayoni.

(2) Vhulaedzwa hapo vhu nga, nahone vhu do nga maitele o randelwaho, nea vhupo ha u paka ha sipeshele u itela u paka dzigoloi dzi songo katelwaho dzi reilwaho nga vhatu vho laedzwaho kha khethekanyo-othukhu (1), nahone afho fhethu ha u paka hu do sumbedzwa nga tshiga tsha vhuendi ha badani.

(3) Vhulaedzwa hapo vhu do langaula kushumela kwa vhupo ha u paka ho bulwaho kha khethekanyo-othukhu (2) nga ndila yo randelwaho.

(4) Vhulaedzwa hapo vhu kwameaho vhu do nea muthu o bulwaho kha khethekanyo-othukhu (1) vhuṭanzi ha uho u tendelwa.

Muraḁo wa Khorotshitumbe a nga tendela dziṛwe ndifho

33. (1) Muraḁo wa Khorotshitumbe arali o fushea uri tshelede ifhio na ifhio yo badelwaho nga muthu yo fhira tshelede i badeliswaho zwavhuḁi nga fhasi ha Mulayo uyu, a nga tendela ndifho ya tshelede yeneyo kana tshipiḁa tsha tshelede yeneyo tshifhio na tshifhio kha muthu onoyo.

(2) Muraḁo wa Khorotshitumbe ha nga tendeli ndifho ifhio na ifhio fhasi ha khethekanyo iyi nga nḁa fhedzi ha musu mbilo ya yeneyo yo ṭanganedzwa nga muofisiri muredzhisiṭari kana vhulanguli ha Vundu vhu kwameaho hu sa athu fhela miṛwaha miraru murahu ha deithi ya mbade-
lo i kwameaho.

Vhulaedzwa ha vhuredzhisiṭari vhu tea u ṭolwa nga Muṭolamu vhalelano Dzhenerala

34. Muṭolambalelano Dzhenerala nga tshifhinga tshifhio na tshifhio a nga itisa uri hu itwe muṭolo wa rekhodo dza vhulaedzwa ha vhuredzhisiṭari na mbuelo dzo kuvhanganywaho nga vhulaedzwa honoho fhasi ha Mulayo uyu.

Muṭolo wa u khwaṭhisedza uri mbetshelo dza uyu Mulayo dzi khou bveledzwa

35. (1) Muraḁo wa Khorotshitumbe e nga tendela muthu ufhio na ufhio ane ene Muraḁo wa Khorotshitumbe a vhona o tea u itela u khwaṭhisedza uri mbetshelo dza uyu Mulayo dzi khou tevhedzwa.

(2) A huna muthu ane a qo thithisa kana u thivhela muthu ufho na ufho kha u bveledzwa ha muqolo wo bulwaho kha khethekanyothukhu (1).

Tshandukiso ya fomo yo randelwaho

36. Muraqo wa Khorotshitumbe sa zwine a vhona zwi na pfariso a nga tendela vhulaedzwa ha vhuredzhisiqari kana vhulaedzwa vhuwe-vho u shumisa vhuimo ha fomo yo randelwaho mushumo wonoyo i fomo yo fhambanaho na fomo yeneyo yo randelwaho nahone ine malugana na vhulaedzwa honoho yeneyo fomo yo shandukiswa i qo sedzwa sa i re fomo yo randelwaho ya mushumo wonoyo.

Tsaino i re kha maqwalo

37. Muthu ufho na ufho ane a si kone u saina dzina lawe tshifhinga tshinwe na tshinwe musi tsaino yawe i tshi toqea kha linwalo lifho na lifho hu tshi tevhedzwa uyu Mulayo u qo kandisa fhethu ha zwenezwo gunwe lawe la tshanda tsha monde ngomu ha tshikhala tshe khatsho a vha a tshi qo di vha o toqea uri a saine dzina lawe na uri arali khandiso ya gunwe lawe la tsha monde i sa wanali u qo imisela gunwe lawe nga u tou ralo nga inwe ya khandiso dzawe dza minwe lune kha itshi tshiwo tsha murahu linwalo lo sainwaho ngauralo li qo sainelwa nga muofisiri we la kandiswa matoni awe a tshi faedza munwe wo shumiswaho.

U Phaqaladzwa ha dzindivhadzo

38. (1) Tshifhinga tshinwe na tshinwe musi hu tshi tevhedzwa ndivhadzo ifho na ifho yo tendelwaho kana i toqwaho u iselwa kana u bviselwa muthu ufho na ufho, yeneyo ndivhadzo i nga iswa lwa tshivhili kha muthu ane ya livhiswa khae kana ya rumelwa khae nga poswo ya redzhisiqara kha qiresi ye a guma u qivhiwa e khayi: Tenda ha vha na uri qiresi yo nekedzwaho nga mufari wa laisentsi ya mureili nga tshifhinga tsha khumbelo yawe ya laisentsi yeneyo kana yo rekhodiwaho dzinani lawe redzhisiqarani ya dzilaisentsi dza vhareili kana qiresi yo rekhodiwaho yo livhanyiswa na u redzhisiqariwa ha tshiendedzi redzhisiqarani ya zwiendabvuma sa qiresi ya mune wa tshenetsho tshiendedzi i qo shuma sa vhudzulo hawe ha ndivhadzamalandu na phetho ya dzindaela dza ndivho dzothe dzi bvaho kha kana lwa ndivho dza uyu Mulayo lwa u iselwa dzindivhadzo, kana kuitele kha onoyo muthu.

(2) Nqisedzo nga poswo yo redzhisiqariwaho hu tshi tevhedzwa khethekanyothukhu (1) yo dzhiwa sa yo qivhadzwaho nga quvha la vhufumi nga murahu ha deithi yo ganqiwaho kha rasithi ya vhuredzhisiqari yo bviswaho nga poswo yo tangedzaho ndivhadzo.

(3) Thanziela nga muofisiri o bivsaho ndivhadzo yo bulwaho kha khethekanyothukhu (1) kana nga muthu a re nga fhasi ha muofisiri onoyo, a tshi bula tshifhinga, fhethu na maitele a u bvisa yeneyo ndivhadzo i qo vha vhuqanzi ha u ri ndivhadzo yeneyo yo bviswa nga maitele kwae nga nqda fhedzi ha nahone u swikela zwenezwo zwi hanedzeaho na zwenezwo zwi tshi qo dzumbululwa.

Mbofho ya Muvhuso

39. Hoyu Mulayo u do vhotha Muvhuso na muthu ufho na ufho a re kha tshumelo ya muvhuso: Tenda ha vha uri Murafo wa Khorotshitumbe a nga, nga ngivhadzo kha *Gazete ya Vundu*, vhotholola Muvhuso kana muhasho ufho na ufho heneho kana uyo muthu ufho na ufho kha mbetshelo dza uyu Mulayo, hu tshi tevhedzwa idzo mbetshelo sa zwine Murafo wa Khorotshitumbe a nga ta.

Vhukhaki na dzindafo

40. (1) Muthu ufho na ufho ane a pfuka kana a kundelwa u ima na mbetshelo dza uyu Mulayo kana na inwe ndaela, maimela, thodea, lutamo, thodea, kana theme kana khumbelo heneho, u do vha na mulandu wa vhukhaki.

(2) Muthu ufho na ufho o vhothwaho mulandu wa vhukhaki hu tshi tevhedzwa khethekanyo thukhu (1) i tshi vhalwa na khethekanyo 11(1) u do tewa nga faini kana u dzula dzhele lwa tshifhinga tshi sa fhirho minwedzi miraru.

(3) Muthu ufho na ufho ane a vhothwaho mulandu wa vhukhaki ifho naifho ya mbetshelo dza uyu Mulayo u do tewa nga faini kana u dzula dzhele lwa tshifhinga tshi sa fhirho nwa muthi.

(4) Hu sa sedziwi tshithu tshifho na tshifho tshi hanedzanaho na zwo faredzwaho ngomu kha mulayo ufho na ufho, kotho ya madzhisi-rafu i do vha na vukoni ha u nea khatulo yo vhetshelwaho kha uyu Mulayo.

Khovhekanyo ya tshede

41. (1) Hu tshi tevhedzwa mbetshelo dza khethekanyo (2) tshede yotho yo badelwaho hu tshi tevhedzwa uyu Mulayo, hu sa katelwi tshede yo badelwaho kha tshithi tsha u thesita tsha phuraivethe kana tshithi tsha u thesita tsha Muvhuso Wapo, i do badelwa kha Tshikwama tsha Mbuelo tsha Vundu hu tshi tevhedzwa khethekanyo 226(1) ya Mulayotewa wa Riphabuliki ya Afrika Tshipembe Mulayo 108 wa 1996 nahone ya fhiselwa kha Tshikwama tsha Vhuendi ha Dziqoroboni hu tshi tevhedzwa Mulayo wa Vhuendi ha Dziqoroboni No. 78 wa 1977 hu tshi tevhedzwa khethekanyo 226(2)(b) ya Mulayotewa wa Riphabuliki ya Afrika Tshipembe Mulayo 108 wa 1996.

(2) Tshede dzo bulwaho kha khethekanyothukhu dzi do laulwa sa zwo randelwaho.

Khovhekanyo ya dzindafo/faini

42. (1) Hu tshi tevhedzwa khethekanyo 6 na 8 ya Gwama na Milayo ya Nzudzanyo ya Gwama na Mulayo wa Pfumbiso, 1977 (Mulayo No. 11 wa 1977), dzothe ndafo dzo thomiwaho kana tshede dzo anganywaho sa deithi malugana na vhukhaki vhotho na vhotho hu tshi tevhedzwa uyu Mulayo kana Mulayo wa vhuendi ha Badani wa Lushaka,

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1996, dzi ɔo badelwa kha Tshikwama tsha Mbuelo tsha Vundu hu tshi tevhedzwa khethekanyo 226(1) ya Mulayotewa wa Riphabuliki ya Afrika Tshipembe Mulayo 108 wa 1996 nahone ya fhiriselwa kha Tshikwama tsha vhuendi tsha Dziɔoroboni tsho thomiwaho hu tshi tevhedzwa Mulayo wa Vhuendi ha Dziɔoroboni No. 78 wa 1977 hu tshi tevhedzwa khethekanyo 226(2)(b) ya Mulayotewa wa Riphabuliki ya Afrika Tshipembe Mulayo 108 wa 1996.

(2) Faini dzothe dzo thomiwaho na tshelede dzo anganywaho sa beili malugana na vhukhaki vhufhio na vhufhio vhu re fhasi ha Mulayo Wapo ufhio na ufhio wo itwaho hu tshi tevhedzwa uyu Mulayo dzi ɔo badelwa kha vhulaedzwa vhune Mulayo Wapo ufhio na ufhio wa shumiselwa khao.

Vhurumelwa

43. (1) Muraɔo wa Khorotshitumbe a nga—

- (a) ɱekedza kha muthu ufhio na ufhio we a hweswa nga kana fhasi ha uyu Mulayo; na
- (b) tendela muthu ufhio na ufhio u ita mushumo ufhio na ufhio we wa ɱewa Muraɔo wa Khorotshitumbe nga kana fhasi ha uyu Mulayo, ayo maimela sa zwine ene a vhona zwo fanela.

(2) Vhurumelwa vhufhio na vhufhio ho bveledzwaho kana vhutendeli ho ɱekedzwaho fhasi ha khethekanyo ɱhukhu (1) tshifhinga tshinwe na tshinwe vhu nga humiswa nga Muraɔo wa Khorotshitumbe.

U Phumulwa ha Milayo na Mbulungo

44. (1) Hu tshi tevhedzwa mbetshelo dza khethekanyo ɱhukhu (2), milayo yo bulwaho kha kholomu ya u thoma ya Shedulu afha i khou thuthwa u swika kha vhuhulu ho sumbedzwaho kha kholomu ya vhuvhili heneho.

(2) Mulevho ufhio na ufhio, Ndaulo, Mulayo Wapo, Nɔivhadzo, Muthivhelo, Vhulaedzwa, Mbeo, thendelo, vhuɱanzi kana linwalo lo itwaho, bviswaho, thomiwaho, ɱekedzwaho kana ɱewaho na inwe-vho nyito yo dzhiwaho fhasi ha mbetshelo ifhio na ifhio ya mulayo wo phumulwaho nga Mulayo wa Vhuendi ha Bada ni wa Lushaka, 1996, i ɔo sedzwa sa yo itwaho, bviswaho, thomiwaho, ɱekedzwaho, fhiwaho kana dzhiwaho fhasi ha mbetshelo i livhanyisaho (arali i hone) ya uyu Mulayo.

Thoho Pfufhi na Mathomo

45. (1) Hoyu Mulayo u ɔo vhidzwa upfi Mulayo wa Vhuendi ha Badani wa Vundu la Devhula, 1997, nahone u ɔo thoma u shuma nga deithi yo vhwaho nga Premia nga Mulevho kha *Gazete ya Vundu*.

(2) Deithi dzo fhambanaho dzi nga vhewa malugana na mbetshelo dzo fhambanaho ngauralo dzi nga fhambana malugana na u fhambana ha—

- (a) vhathu kana thundu kana zwigwada zwa vhathu kana thundu dzi endiswaho nga tshiendedzi tsha moḁoro;
- (b) tshaka kana zwigwada zwa vhuendi ha moḁoro zwo shumiswaho kha u endisa vhathu kana thundu;
- (c) vhathu kana zwigwada zwa vhathu; kana
- (d) vhupo Vunduni.

(3) Tshiḁaluli tshi fhiraho tshiḁhihi tsha zwo bulwaho kha phara (a) u swika (d) hu tshi katelwa, na khethekanyoḁhukhu (2) zwi nga ḁanganywa hu tshi itelwa yeneyo khethekanyoḁhukhu.

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 5

23 April 1998

Ku tivisiwa leswaku Holobyenkulu u pfumerile Nawu lowu wu landze-laka lowu laha wu tivisiwaka leswaku wu ta tiviwa hi mani na mani:—

No. 5 wa 1997:

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NAWU

Wo katsakanya ni ku hundzuluxa makungu lama yelanaka ni swofamba emapatwini lama fanelaka ku tirha eka Xifundzankulu lexi ni ku endla makungu ya timhaka leti yelanaka na swona

(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)

(Wu pfumeriwile hi siku ra 21 Sunguti 1998)

Mfumo wa Milawu wa Xifundzankulu xa N'walungu WU VEKA NAWU hi ndlela leyi yi landzelaka:—

Tinhlamuselo

1. (1) Eka Nawu lowu handlekaloko marito ya kona ya komba swin'wana—

“Dokodela” ri vula munhu wihi ni wihi loyi a rhijistariweke tano ehansi ka Nawu wa vutshila bya Vutshunguri, Meno na Vutirheli byo Tatisa bya Rihanyu, 1974 (Nawu wa 56 wa 1974);

“Holobye” ri vula Holobye wa Ntleketlo eka Mfumo wa Rixaka;

“Holobyenkulu” ri vula Holobyenkulu wa xifundzankulu loyi a hlawuriweke hi ku landza xiyenge xa 145 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993);

“mukamberi wa swofamba” swi vula mukamberi wa swofamba loyi a nga rhijistariwa ni ku thoriwa hi ku landza Kavanyisa ka 1;

“mukamberi wa tilayisense” swi vula mukamberi wa tilayisense loyi a thoriweke hi ku landza Kavanyisa ka 1.;

“mukamberi wa tilayisense to chayela” swi vula mukamberi wa tilayisense to chayela loyi a rhijistariweke ni ku thoriwa hi ku landza Kavanyisa ka 1;

“mulanguteri wa swofamba emapatwini” swi vula mulanguteri wa swofamba emapatwini loyi a thoriweke ehansi ka Kavanyisa ka 1;

“Mulawuri Jenerala” swi vula Mulawuri Jenerala wa Mafamabisele ya Xifundzankulu xa N'walungu;

“muleteri” ri vula munhu wihi ni wihi loyi hi ku kongoma kumbe ku nga ri hi ku kongoma—

(a) letelaka munhu wihi ni wihi un'wana eku chayeleni ka movha;

(b) a dyondzisaka munhu wihi ni wihi un'wana milawu ya patu kumbe mimfungho ya patu ku endlela leswaku a ta kuma layisense ya mudyondzi kumbe yo chayela;

"mutirhela-tiko la nyikiweke matimba" swi vula mukamberi wa tilayisense, mukamberi wa swofamba, mukamberi wa tilayisense to chayela kumbe xipitikopo, naswona swi katsa ni munhu wihi ni wihi un'wana loyi Xirho xa Huvonkulu nkarhi ni nkarhi xi nga ha tivisaka leswaku i mutirhela-tiko la nyikiweke matimba hi xinawana;

"Nawu lowu" swi katsa na swinawana, naswona hi tlhelo ra swikongomelo swa I, II na III swa Nawu lowu swi katsa na Nawu wa Rixaka wa Swofamba eMapatwini, 1996, na swinawana leswi endliweke ahansi na Nawu wolowo;

"Nawu wa Rixaka wa Swofamba eMapatwini, 1996" swi katsa na swinawana leswi endliweke ehansi ka Nawu wolowo;

"veka" ri vula ku veka hi xinawana;

"vulawuri byo rhijistara" swi vula vulawuri byo rhijistara lebyi thoriweke ehansi ka xiyenge xa 2;

"xifundzankulu" ri vula Xifundzankulu xa N'walungu lexi simekiweke hi ku landza xiyenge xa 124 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993)

"xinawana" ri vula xinawana (xin'wana handle ka xinawana xa doroba) lexi endliweke ehansi ka Nawu lowu;

"xinawana xa doroba" ri vula xinawana xa doroba lexi languteriweke eka xiyenge xa 26;

"Xirho xa Huvonkulu" swi vula xirho xa Huvonkulu lexi thoriweke hi ku landza xiyenge xa 149 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993), loyi timhaka ta swofamba emapatwini ti nyiketiweke eka yena;

"xipitikopo" ri vula xipitikopo lexi thoriweke ehansi ka Kavanyisa ka i na xirho xihi ni xihi xa Vutirheli tani hilaha swi hlamuseriweke eka xiyenge xa 1 xa Nawu wa Vutirheli bya Maphorisa bya Afrika Dzonga, 1995 (Nawu wa 68 wa 1995), na hi tlhelo ra swikongomelo swa Kavanyisa ka III na IV na swiyenge swa 22 na 29 swa Nawu lowu ku katsa ni mutirhela-tiko wa ku rhula;

"vukambeleso" ri vula vukambeleso lebyi rhijistariweke hi ku landza xiyenge xa 37 xa Nawu wa Rixaka wa Swofamba eMapatwini, 1996.

(2) Rito rihi ni rihi kumbe xivulwa lexi hlamuseriweke eka Nawu wa Rixaka wa Swofamba eMapatwini 1996, kambe leri nga hlamuseriwangiki eka xiyengenyana xa (1), handlekaloko nhlamuselo ya kona yi komba swin'wana, ri fanele ku va na nhlamuselo yo fana tani hi nhlamuselo leyi ri nyikiweke yona eka Nawu wa Rixaka wa Swofamba eMapatwini, 1996.

NAWU

Wo katsakanya ni ku hundzuluxa makungu lama yelanaka ni swofamba emapatwini lama fanelaka ku tirha eka Xifundzankulu lexi ni ku endla makungu ya timhaka leti yelanaka na swona

(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 21 Sunguti 1998)

Mfumo wa Milawu wa Xifundzankulu xa N'walungu WU VEKA NAWU hi ndlela leyi yi landzelaka:—

Tinhlamuselo

1. (1) Eka Nawu lowu handlekaloko marito ya kona ya komba swin'wana—

“Dokodela” ri vula munhu wihi ni wihi loyi a rhijistariweke tano ehansi ka Nawu wa vutshila bya Vutshunguri, Meno na Vutirheli byo Tatisa bya Rihanyu, 1974 (Nawu wa 56 wa 1974);

“Holoby” ri vula Holoby wa Ntleketlo eka Mfumo wa Rixaka;

“Holobyenkulu” ri vula Holobyenkulu wa xifundzankulu loyi a hlawuriweke hi ku landza xiyenge xa 145 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993);

“mukamberi wa swofamba” swi vula mukamberi wa swofamba loyi a nga rhijistariwa ni ku thoriwa hi ku landza Kavanyisa ka 1;

“mukamberi wa tilayisense” swi vula mukamberi wa tilayisense loyi a thoriweke hi ku landza Kavanyisa ka 1.;

“mukamberi wa tilayisense to chayela” swi vula mukamberi wa tilayisense to chayela loyi a rhijistariweke ni ku thoriwa hi ku landza Kavanyisa ka 1;

“mulanguteri wa swofamba emapatwini” swi vula mulanguteri wa swofamba emapatwini loyi a thoriweke ehansi ka Kavanyisa ka 1;

“Mulawuri Jenerala” swi vula Mulawuri Jenerala wa Mafamabisele ya Xifundzankulu xa N'walungu;

“muleteri” ri vula munhu wihi ni wihi loyi hi ku kongoma kumbe ku nga ri hi ku kongoma—

(a) letelaka munhu wihi ni wihi un'wana eku chayeleni ka movha;

(b) a dyondzisaka munhu wihi ni wihi un'wana milawu ya patu kumbe mimfungho ya patu ku endlela leswaku a ta kuma layisense ya mudyondzi kumbe yo chayela;

"mutirhela-tiko la nyikiweke matimba" swi vula mukamberi wa tilayisense, mukamberi wa swofamba, mukamberi wa tilayisense to chayela kumbe xipitikopo, naswona swi katsa ni munhu wihi ni wihi un'wana loyi Xirho xa Huvonkulu nkarhi ni nkarhi xi nga ha tivisaka leswaku i mutirhela-tiko la nyikiweke matimba hi xinawana;

"Nawu lowu" swi katsa na swinawana, naswona hi tlhelo ra swikongomelo swa I, II na III swa Nawu lowu swi katsa na Nawu wa Rixaka wa Swofamba eMapatwini, 1996, na swinawana leswi endliweke ahansi na Nawu wolowo;

"Nawu wa Rixaka wa Swofamba eMapatwini, 1996" swi katsa na swinawana leswi endliweke ehansi ka Nawu wolowo;

"veka" ri vula ku veka hi xinawana;

"vulawuri byo rhijistara" swi vula vulawuri byo rhijistara lebyi thoriweke ehansi ka xiyenge xa 2;

"xifundzankulu" ri vula Xifundzankulu xa N'walungu lexi simekiweke hi ku landza xiyenge xa 124 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993)

"xinawana" ri vula xinawana (xin'wana handle ka xinawana xa doroba) lexi endliweke ehansi ka Nawu lowu;

"xinawana xa doroba" ri vula xinawana xa doroba lexi languteriweke eka xiyenge xa 26;

"Xirho xa Huvonkulu" swi vula xirho xa Huvonkulu lexi thoriweke hi ku landza xiyenge xa 149 xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1993 (Nawu wa 200 wa 1993), loyi timhaka ta swofamba emapatwini ti nyiketiweke eka yena;

"xipitikopo" ri vula xipitikopo lexi thoriweke ehansi ka Kavanyisa ka i na xirho xihi ni xihi xa Vutirheli tani hilaha swi hlamuseriweke eka xiyenge xa 1 xa Nawu wa Vutirheli bya Maphorisa bya Afrika Dzonga, 1995 (Nawu wa 68 wa 1995), na hi tlhelo ra swikongomelo swa Kavanyisa ka III na IV na swiyenge swa 22 na 29 swa Nawu lowu ku katsa ni mutirhela-tiko wa ku rhula;

"vukambelelo" ri vula vukambelelo lebyi rhijistariweke hi ku landza xiyenge xa 37 xa Nawu wa Rixaka wa Swofamba eMapatwini, 1996.

(2) Rito rihi ni rihi kumbe xivulwa lexi hlamuseriweke eka Nawu wa Rixaka wa Swofamba eMapatwini 1996, kambe leri nga hlamuseriwangiki eka xiyengenyana xa (1), handlekaloko nhlamuselo ya kona yi komba swin'wana, ri fanele ku va na nhlamuselo yo fana tani hi nhlamuselo leyi ri nyikiweke yona eka Nawu wa Rixaka wa Swofamba eMapatwini, 1996.

KAVANYISA KA I

VULAWURI BYO RHIJISTARA NA VATIRHELA-TIKO

Ku thoriwa ka vulawuri byo rhijistara

2. (1) Hi tlhelo ra swikongomelo swa Nawu lowu, Xirho xa Huvonkulu xi fanele ku thola vulawuri byo rhijistara hi xitiviso eka *Gazete ya Xifundzankulu* bya xivandla xolexo na swona ehansi ka swipimelo leswi xi nga ha bohaka nkarhi ni nkarhi.

(2) Xirho xa Huvonkulu xi nga ha hlanganisa xivandla xa vulawuri byo rhijistara byihi ni byihi kumbe xiphemu xihi ni xihi xa byona na xivandla xa vulawuri byin'wana byo rhijistara naswona xi nga ha avanyisa xivandla xa vulawuri byo rhijistara xi va swivandla swimbirhi kumbe ku tlula swa vulawuri byo rhijistara.

(3) Laha, ku sukela hi kumbe endzhaku ka siku ro karhi, vulawuri byo rhijistara (lebyi eka xiyengenyana lexi byi vuriwaka vulawuri byintshwa byo rhiji-stara) byi hundzukaka vulawuri byo rhijistara bya xivandla lexi eku sunguleni a xi ri ehansi ka matimba ya vulawuri ya vulawuri byin'wana byo rhijistara (lebyi katsaka na vulawuri byo rhijistara lebyi thoriweke ehansi ka nawu wa xifundza-nkulu lowu herisiweke) kwihi ni kwihi laha ku vulawuri-waka hi Nawu lowu kumbe nawu lowu herisiweke eka vulawuri byolebyo byin'wana byo rhijistara, ku sukela kumbe endzhaku ka siku rolero, swi fanele ku tekiwa ku vuriwa vulawuri byolebyo byintshwa byo rhijistara.

(4) Matimba lama haverisiweke ni timfanelo leti rhwexiweke vulawuri byo rhijistara ehansi ka Nawu lowu swi fanele ku tirhisiwa kumbe ku tirhiwa hi ku yimela vulawuri byo rhijistara byolebyo hi vanhu tani hilaha va nga ha nyikiwaka matimba ku endla tano hi vulawuri byo rhijistara.

Ku thoriwa ka vatirhela-tiko

3. (1) Hi tlhelo ra swikongomelo swa Nawu lowu—

(a) Xirho xa Huvonkulu, ku ya hi milawu leyi fumaka Vutirheli bya Tiko na ku ya hi swipimelo leswi xi nga bohaka, xi nga ha thola hi tlhelo ra xifundzankulu vanhu vo tala tani hi—

- (i) vakamberi va tilayisense;
 - (ii) vakamberi va swofamba;
 - (iii) vakamberi va tilayisense to chayela;
 - (iv) swipitikopo; na
 - (v) valanguteri va swofamba emapatwini;
- tani hilaha xi nga ha vonaka swi fanerile;

- (b) vulawuri bya ndhawu lebyi nga vulawuri byo rhijistara, ku ya hi swipimelo tani hilaha Xirho xa Huvonkulu xi nga ha veka-ka hi xitiviso eka *Gazete ya Xifundzankulu*, byi nga ha thola hi tlhelo ra xivandla xa byona vanhu vo tala tani hi—
- (i) vakamberi va tilayisense;
 - (ii) vakamberi va swofamba; na
 - (iii) vakamberi va tilayisense to chayela;
- tani hilaha byi nga ha vonaka swi fanerile;
- (c) vulawuri byihi ni byihi bya ndhawu kumbe byimbirhi kumbe ku tlula bya vulawuri bya tindhawu, ku ya hi swipimelo tani hilaha xirho xa Huvonkulu xi nga ha vekaka hi xitiviso eka *Gazete ya Xifundzankulu*, byi nga ha thola hi tlhelo ra xivandla xa byona kumbe swivandla swa byona byi hlanganile, tani hilaha swi nga vaka hakona, vanhu vo tala tani hi swipitikopo kumbe swipitikopo swo siva tani hilaha vulawuri byolebyo byi nga ha vonaka swi fanerile, naswona vatirhela-tiko valavo va fanele ku tirha—
- (i) endzeni ka xivandla kumbe swivandla swoleswo, na
 - (ii) hi ku rhanga va kuma mpfumelelo wa Xirho xa Huvonkulu na ku ya hi swipimelo swa mpfumelelo wolowo, ehandle ka xivandla xolexo kumbe swivandla:
- Ku ri leswaku Xirho xa Huvonkulu, hi xitiviso eka *Gazete ya Xifundzankulu*, xi nga ha ka xi nga katsi vatirhela-tiko valavo eka ku tirha eka patu rihi ni rihi ra mani na mani leri hlamuseriweke kumbe xiphemu xa rona leri kumekaka endzeni ka matimba ya vulawuri bya vulawuri bya ndhawu;
- (d) vulawuri byihi ni byihi bya ndhawu byi nga ha thola vanhu tani hi valanguteri va swofamba emapatwini kumbe tani hi valanguteri va swofamba emapatwini vo siva ku endla kumbe ku tirhisa endzeni ka xivandla xa byona, matimba ni timfanelo ta xipitikopo tani hilaha Xirho xa Huvonkulu xi nga ha bohaka: Ku ri leswaku xirho xa Huvonkulu xi nga ha—
- (i) endla swiboho swo hambana mayelana ni minkhetekanyo yo hambana ya valanguteri va swofamba emapatwini; naswona
 - (ii) ku nga ha va hi ku angarhela kumbe hi ku kongoma, ku veka swipimelo hi tlhelo ra ku endla kumbe ku tirhisiwa ka matimba yalawo ni timfanelo;
- (e) munhu wihi ni wihi kumbe vulawuri lebyi bohiweke hi Xirho xa Huvonkulu hi xitiviso eka *Gazete ya Xifundzankulu*, eka swipimelo swoleswo ni le ka swivandla swoleswo tani hilaha swi nga ha bohiwaka eka xitiviso, a nga ha thola munhu wihi ni wihi tani hi mukamberi wa swofamba.

- (c) a nga ha kombela eka muleteri wihi ni wihi—
- (i) laha muleteri yoloye a tirhaka kona ku dyondzisa kumbe ku letela munhu un'wana eku chayeleni ka movha, xikan'wekan'we; kumbe
 - (ii) laha muleteri yoloye a nga riki entirhweni, ku nga si hela masiku ya nkombo;
 - (iii) ku humesa vumbhoni bya ku rhijistariwa ka yena;
- (d) a nga ha kambela movha wihi ni wihi hi ndlela yo tienerisa loko wu ri movha lowu hi tlhelo ra wona tsalwa leri vuriwaka eka ndzimana ya (b) wu nga humesiwa;
- (e) a nga ha khoma tsalwa rihi ni rihi leri vuriwaka eka ndzimana ya (b) leri langutekaka ku va kumbe leri mutirhela-tiko a ri ehleketelaka ku va ri nga tirhi kumbe leri ri nga kumbe leri langutekaka ku va ri hundzuluxiwile swi nga ri enawini kumbe ku suriwa kumbe leri ri nga tirhisiwa swi nga ri enawini naswona laha tsalwa rihi ni rihi ri nga khomiwa tano, mukamberi u fanela ku humesa rhisiti hi tlhelo ra rona eka munhu wa kona;
- (f) a nga ha lava n'winyi, mutirhisi, muchayeri kumbe munhu loyi a nga ni vutihlamuleri bya xofamba xihi ni xihi xikan'wekan'we ku nyika vito ra yena na adirese, ni ku nyika vuxokoxoko byihi ni byihi byin'wana lebyi lavekaka tani hi vutitivisi bya yena, naswona laha swi faneleke, xikan'wekan'we ku humesa mpfumelelo wa vutshila wo chayela;
- (g) a nga ha koxa eka munhu wihi ni wihi xikan'wekan'we ku humesa layisense kumbe mpfumelelo wihi ni wihi wun'wana lowu vekiweke hi vulawuri lebyi n'wi pfumelelaka ku chayela movha ni ku humesa tsalwa rihi ni rihi rin'wana leri yena a laviwaka ku va na rona hi tlhelo ra movha wihi ni wihi hi ku landza Nawu lowu;
- (h) a nga ha khoma layisense yihi ni yihi kumbe tsalwa leri humeseriweke yena hi ku landza ndzimana ya (g) leri hi ku vona ka yena ri nga ha humesaka vumbhoni byo tluriwa kumbe ku papalata makungu wahi ni wahi ya Nawu lowu naswona laha layisense yihi ni yihi kumbe tsalwa ri nga khomiwa tano, mukamberi u fanele ku nyika rhisiti hi tlhelo ra rona eka munhu loyi a khumbekaka;
- (i) a nga ha lava munhu wihi ni wihi, hambi yoloye a ri eka xofamba xihi ni xihi kumbe e-e, ku nyika vito ra yena na adirese ni ku nyika vuxokoxoko byihi ni byihi byin'wana lebyi lavekaka tani hi vutitivisi bya yena, xikan'we ni mahungu tani hiloko swi ri ematimbeni ya yena ku nyika naswona swi nga ha yisa eka vutiveko bya n'winyi, mutirhisi kumbe muchayeri wa xofamba xolexo;

- (j) a nga ha lava munhu wihi ni wihi ku n'wi nyika mahungu tani hiloko swi ri ematimbeni ya munhu yoloye ku nyika, leswi nga ha yisaka eka vutiveko bya muchayeri, n'winyi, mutirhisi kumbe munhu loyi a nga ni vutihlamuleri eka xofamba hi nkarhi wihi ni wihi kumbe enkarhini wihi ni wihi; kumbe.
- (k) hi nkarhi wihi ni wihi lowu twisisekaka ku karhi ku tekeriwa enhlokweni matshamele ya timhaka, handle ko sungula ku va na xitiviso, ni le ku tirhiseni ka matimba wahi ni wahi kumbe ku endliwa ka mfanelo yihi ni yihi leyi hi ku landza Nawu lowu yena a nga pfumeleriwa kumbe ku laviwa ku tirhisa kumbe ku endla, a nga ha nghena eka byako byihi ni byihi lebyi yena a nga na miehleketo yo kholwa leswaku xofamba xihi ni xihi xi hlayisiwa kona.

Matimba ni timfanelo ta mukamberi wa swofamba

8. (1) Mukamberi wa swofamba a nga ha kambela ku xiyaxiya ni ku ringeta xofamba xihi ni xihi hi ndlela yo kuma loko xi ri ni mfanelo ya patu naswona hi tlhelo ra xikongomelo xolexo a nga ha tlhantlha xofamba kumbe xiphemu xa xona kumbe swingolongondzwana kumbe swikhe-tsakhetsa: Ku ri leswaku u fanele ku tlhela a bohelela xofamba xihi ni xihi lexi nga tlhantlhiwa tano handle ka loko a komberiwile hi munhu loyi a nga ni vutihlamuleri bya xofamba ku ka a nga endli tano.

(2) Mukamberi wa swofamba a nga ha chayela xofamba xihi ni xihi loko swi laveka eku endleni ka timfanelo ta yena loko, hi tlhelo ra movha a ri na layisense yo chayela movha wa ntlawa wolowo: Ku ri leswaku hi tlhelo ra munhu loyi a nga na vugono emirini mukamberi wa swofamba a nga ha kombela mukhomi wa layisense yo chayela leyi faneleke ku chayela xofamba lexi tekeriweke munhu loyi a nga na vugono ku ya hi xileriso xa yena no va a ri kona.

Matimba ni timfanelo ta mukamberi wa tilayisense to chayela

9. (1) Mukamberi wa tilayisense to chayela u fanele ku kambela xikombelo xihi ni xihi xa layisense ya mudyondzi kumbe layisense yo chayela hi mukhuva ni hi mayelana na timhaka tani hilaha swi vekiweke hi Nawu wa Rixaka wa Swofamba eMapatwini, 1996 ku endlela ku kuma loko mukomberi yoloye a ringanile no va na vuswikoti byo kuma layisense ya mudyondzi kumbe yo chayela ya ntlawa wa xofamba lexi yena a nga xi kombela.

(2) Ku hava mukamberi wa tilayisense to chayela a faneleke ku kambela mukomberi wa layisense yo chayela hi ku landza Nawu wa Rixaka wa Swofamba eMapatwini, 1996 handle ka loko mukamberi yena hi yexe a ri na layisense yo chayela xofamba xa ntlawa lowu mukomberi a kombelaka ku kuma layisense yo chayela xona kumbe wa ntlawa tani hilaha swi vekiweke.

- (c) a nga ha kombela eka muleteri wihi ni wihi—
- (i) laha muleteri yoloye a tirhaka kona ku dyondzisa kumbe ku letela munhu un'wana eku chayeleni ka movha, xikan'wekan'we; kumbe
 - (ii) laha muleteri yoloye a nga riki entirhweni, ku nga si hela masiku ya nkombo;
 - (iii) ku humesa vumbhoni bya ku rhijistariwa ka yena;
- (d) a nga ha kambela movha wihi ni wihi hi ndlela yo tienerisa loko wu ri movha lowu hi tlhelo ra wona tsalwa leri vuriwaka eka ndzimana ya (b) wu nga humesiwa;
- (e) a nga ha khoma tsalwa rihi ni rihi leri vuriwaka eka ndzimana ya (b) leri langutekaka ku va kumbe leri mutirhela-tiko a ri ehleketelaka ku va ri nga tirhi kumbe leri ri nga kumbe leri langutekaka ku va ri hundzuluxiwile swi nga ri enawini kumbe ku suriwa kumbe leri ri nga tirhisiwa swi nga ri enawini naswona laha tsalwa rihi ni rihi ri nga khomiwa tano, mukamberi u fanela ku humesa rhisiti hi tlhelo ra rona eka munhu wa kona;
- (f) a nga ha lava n'winyi, mutirhisi, muchayeri kumbe munhu loyi a nga ni vutihlamuleri bya xofamba xihi ni xihi xikan'wekan'we ku nyika vito ra yena na adirese, ni ku nyika vuxokoxoko byihi ni byihi byin'wana lebyi lavekaka tani hi vutitivisi bya yena, naswona laha swi faneleke, xikan'wekan'we ku humesa mpfumelelo wa vutshila wo chayela;
- (g) a nga ha koxa eka munhu wihi ni wihi xikan'wekan'we ku humesa layisense kumbe mpfumelelo wihi ni wihi wun'wana lowu vekiweke hi vulawuri lebyi n'wi pfumelelaka ku chayela movha ni ku humesa tsalwa rihi ni rihi rin'wana leri yena a laviwaka ku va na rona hi tlhelo ra movha wihi ni wihi hi ku landza Nawu lowu;
- (h) a nga ha khoma layisense yihi ni yihi kumbe tsalwa leri humeseriweke yena hi ku landza ndzimana ya (g) leri hi ku vona ka yena ri nga ha humesaka vumbhoni byo tluriwa kumbe ku papalata makungu wahi ni wahi ya Nawu lowu naswona laha layisense yihi ni yihi kumbe tsalwa ri nga khomiwa tano, mukamberi u fanele ku nyika rhisiti hi tlhelo ra rona eka munhu loyi a khumbekaka;
- (i) a nga ha lava munhu wihi ni wihi, hambi yoloye a ri eka xofamba xihi ni xihi kumbe e-e, ku nyika vito ra yena na adirese ni ku nyika vuxokoxoko byihi ni byihi byin'wana lebyi lavekaka tani hi vutitivisi bya yena, xikan'we ni mahungu tani hiloko swi ri ematimbeni ya yena ku nyika naswona swi nga ha yisa eka vutiveko bya n'winyi, mutirhisi kumbe muchayeri wa xofamba xolexo;

- (j) a nga ha lava munhu wihi ni wihi ku n'wi nyika mahungu tani hiloko swi ri ematimbeni ya munhu yoloye ku nyika, leswi nga ha yisaka eka vutiveko bya muchayeri, n'winyi, mutirhisi kumbe munhu loyi a nga ni vutihlamuleri eka xofamba hi nkarhi wihi ni wihi kumbe enkarhini wihi ni wihi; kumbe.
- (k) hi nkarhi wihi ni wihi lowu twisisekaka ku karhi ku tekeriwa enhlokweni matshamele ya timhaka, handle ko sungula ku va na xitiviso, ni le ku tirhiseni ka matimba wahi ni wahi kumbe ku endliwa ka mfanelo yihi ni yihi leyi hi ku landza Nawu lowu yena a nga pfumeleriwa kumbe ku laviwa ku tirhisa kumbe ku endla, a nga ha nghena eka byako byihi ni byihi lebyi yena a nga na miehleketo yo kholwa leswaku xofamba xihi ni xihi xi hlayisiwa kona.

Matimba ni timfanelo ta mukamberi wa swofamba

8. (1) Mukamberi wa swofamba a nga ha kambela ku xiyaxiya ni ku ringeta xofamba xihi ni xihi hi ndlela yo kuma loko xi ri ni mfanelo ya patu naswona hi tlhelo ra xikongomelo xolexo a nga ha tlhantlha xofamba kumbe xiphemu xa xona kumbe swingolongondzwana kumbe swikhe-tsakhetsa: Ku ri leswaku u fanele ku tlhela a bohelela xofamba xihi ni xihi lexi nga tlhantlhiwa tano handle ka loko a komberiwile hi munhu loyi a nga ni vutihlamuleri bya xofamba ku ka a nga endli tano.

(2) Mukamberi wa swofamba a nga ha chayela xofamba xihi ni xihi loko swi laveka eku endleni ka timfanelo ta yena loko, hi tlhelo ra movha a ri na layisense yo chayela movha wa ntlawa wolowo: Ku ri leswaku hi tlhelo ra munhu loyi a nga na vugono emirini mukamberi wa swofamba a nga ha kombela mukhomi wa layisense yo chayela leyi faneleke ku chayela xofamba lexi tekeriweke munhu loyi a nga na vugono ku ya hi xileriso xa yena no va a ri kona.

Matimba ni timfanelo ta mukamberi wa tilayisense to chayela

9. (1) Mukamberi wa tilayisense to chayela u fanele ku kambela xikombelo xihi ni xihi xa layisense ya mudyondzi kumbe layisense yo chayela hi mukhuva ni hi mayelana na timhaka tani hilaha swi vekiweke hi Nawu wa Rixaka wa Swofamba eMapatwini, 1996 ku endlela ku kuma loko mukamberi yoloye a ringanile no va na vuswikoti byo kuma layisense ya mudyondzi kumbe yo chayela ya ntlawa wa xofamba lexi yena a nga xi kombela.

(2) Ku hava mukamberi wa tilayisense to chayela a faneleke ku kambela mukamberi wa layisense yo chayela hi ku landza Nawu wa Rixaka wa Swofamba eMapatwini, 1996 handle ka loko mukamberi yena hi yexe a ri na layisense yo chayela xofamba xa ntlawa lowu mukamberi a kombelaka ku kuma layisense yo chayela xona kumbe wa ntlawa tani hilaha swi vekiweke.

- (k) xi nga ha lava muchayeri wa vutshila wihi ni wihi kumbe mutirhisi kumbe n'winyi wa movha ku humesa ku va yi kamberiwa ni ku va ku endliwa kopi ya—
- (i) rhekodo yihi ni yihi kumbe tsalwa leri munhu yoloye hi ku landza Nawu lowu a fanelaka ku famba na rona kumbe ku va na rona kumbe leri lavekaka ku va ri namarhetiwa eka movha wihi ni wihi wo tano; kumbe
- (ii) rhekodo yihi ni yihi leyi munhu yoloye hi ku landza Nawu lowu a lavekaka leswaku a yi hlayisa;
- (l) nkarhi wihi ni wihi xi nga ha nghena eka movha wihi ni wihi xi kambela xofamba xo tano;
- (m) eka nkarhi wihi ni wihi xi nga ha nghena eka byako byihi ni byihi laha xi nga ni mianakanyo ya leswaku ku vekiwele movha wa mutirhisi kumbe laha rhekodo yihi ni yihi kumbe tsalwa rin'wana ri lavekaka ku vekiwa kona hi ku landza Nawu lowu swi kumekaka kona, ni ku kambela xofamba xolexo, ni ku kambela ni ku kopa rhekodo yihi ni yihi yo tano kumbe tsalwa, leswi xi swi kumaka kwalaho;
- (n) loko xi ri ni mianakanyo yo ehleketa leswaku nandzu wu endliwile ehansi ka Nawu lowu hi tlhelo ra rhekodo yihi ni yihi kumbe tsalwa, leswi kamberiweke hi xona xi nga ha khoma rhekodo yaleyo kumbe tsalwa, naswona laha tsalwa rihi ni rihi ri khomiweke tano, xipitikopo xi fanele ku nyika rhisiti ra sweswo eka munhu la khumbekaka;
- (o) xi nga ha kambela movha wihi ni wihi kumbe xiphemu xa wona ni ku khoma tsalwa rihi ni rihi leri nyikiweke mayelana ni ku rhijistariwa ni ku nyikiwa layisense ka movha wolowo leswi fambelanaka ni movha wo tano, laha swi kumekaka leswaku njhini kumbe nomboro ya chesi ya movha wolowo swi hambana ni njhini kumbe nomboro ya chesi leswi kombisiweke eka tsalwa, xi tlhela xi lerisa leswaku movha wolowo wu tekiwa, xikan'wekan'we, wu ya exitichini xa maphorisa lexi vuriwaka hi xipitikopo xolexo ku ya kuma vumbhoni bya maphorisa, naswona endzhaku ko va vumbhoni byi kumiwile, xi nga ha tlherisela tsalwa leri khomiweke eka munhu wihi ni wihi loyi a nga ni mfanelo ya rona, kumbe xi tivisa n'winyi wa movha la khumbekaka leswaku xofamba xolexo xi fanele ku tlhela xi rhijistariwa, tani hilaha mhaka yi nga ha vaka yi yime hakona; naswona
- (p) xi nga ha lava ku suka eka n'winyi, mutirhisi kumbe muchayeri wa xofamba lexi rhijistariweke eka ndzilekano wihi ni wihi lowu vekiweke, vumbhoni bya maphorisa hi tlhelo ra movha wolowo xi nga si pfumelela xofamba xolexo ku va xi tekiwa xi tlula mindzilekano ya Riphabliki: Ku ri leswaku xirho xa Huvonkulu xi nga ha ntshuxa n'winyi wihi ni wihi, mutirhisi kumbe muchayeri hi ndlela leyi vekiweke ku va a nga humesi vumbhoni bya maphorisa byo tano.

Ku hluleka ku landzelela xileriso kumbe xiletelo xa mukamberi wa tilayisense, xipitikopo, mukamberi wa swofamba kumbe mutirhela-tiko wa ku rhula

11. A ku na munhu la faneleke—

- (a) ku tsandzeka ku landzelela xileriso xihi ni xihi kumbe xiletelo lexi a xi nyikiweke hi mukamberi wa tilayisense, xipitikopo kumbe mukamberi wa swofamba, kumbe ku kavanyeta, ku sivela kumbe ku nghenelela mukamberi wa tilayisense wihi ni wihi, xipitikopo kumbe mukamberi wa swofamba eka ku tirhisa matimba wahi ni wahi kumbe ku endla mfanelo yihi ni yihi ehansi ka Nawu lowu;
- (b) ku tsandzeka ku landzelela xileriso xihi ni xihi kumbe xiletelo lexi a xi nyikiweke hi mutirhela-tiko wa ku rhula, kumbe ku kavanyeta, ku sivela kumbe ku nghenelela mutirhela-tiko wa ku rhula eka ku tirhisa matimba wahi ni wahi lama fambelanaka ni kungu ra Nawu lowu leri nyikiweke eka yena ehansi ka xiyenge xa 334 xa Nawu wa Maendlelo ya Milandzu ya Vugevenga, 1977 (Nawu wa 51 wa 1977);
- (c) ku endlela ku sindzisa munhu wihi ni wihi la vuriwaka eka ndzimana ya (a) kumbe (b) ku endla kumbe ku tshika ku endla xiendlo xihi ni xihi hi tlhelo ra ku tirhisa matimba ya yena kumbe ku endla timfanelo ta yena, kumbe hi mhaka yo va munhu yoloye a endlile kumbe a tshikile ku endla ntirho wo tano, a xungeta kumbe ku ringanyeta ku tirhisa madzolonga ehenhleri ka kumbe ku sivela munhu yoloye kumbe xaka rihi ni rihi ra yena kumbe vahlayisiwa, kumbe a xungeta kumbe ku ringanyeta ku onhiwa kwihi ni kwihi eka nhundzu ya munhu yoloye kumbe ya maxaka wahi ni wahi kumbe vahlayisiwa.

(2) Loko ku humesiwa ka tsalwa rihi ni rihi leri nga lavekiki ku damarhetiwa eka xofamba kumbe ku hlayisiwa eka yena kumbe eka movha hi munhu wihi ni wihi swi koxiwa hi ku landza swiyenge swa 7(b) kumbe 10(i) humesiwa koloko eka xitichi xa maphorisa xihi ni xihi kumbe, ehofisini leyi vekiweke swona hi vulawuri lebyi faneleke ku va yi tirhisiwa hi xipitikopo kumbe mutirhela-tiko wa ku rhula, ku nga si hundza nkombo wa masiku endzhaku ka ku koxiwa ka rona, swi fanele swi tekiwa swi ri nandzelelo lowu ringaneke wa xikoxo.

(3) Loko tsalwa rihi ni rihi ri humesiwa hi ku landza xiyengenyana xa (2) exitichini xa maphorisa xihi ni xihi kumbe hofisi leyi vuriwaka eka xiyengenyana xexo, mutirhela-tiko la nga na vutihlamuleri bya xitichi xexo xa maphorisa kumbe hofisi leyi tirhiseriwaka sweswo u fanele xikan'we-kan'we a tivisa hi ndlela leyi faneleke mutirhela-tiko loyi a endleke xikoxo lexi khumbekaka a tlhela a fanela ku nyika rhisiti ya ku humesiwa ka tsalwa rero eka munhu la ri humesaka.

- (k) xi nga ha lava muchayeri wa vutshila wihi ni wihi kumbe mutirhisi kumbe n'winyi wa movha ku humesa ku va yi kamberiwa ni ku va ku endliwa kopi ya—
- (i) rhekodo yihi ni yihi kumbe tsalwa leri munhu yoloye hi ku landza Nawu lowu a fanelaka ku famba na rona kumbe ku va na rona kumbe leri lavekaka ku va ri namarhetiwa eka movha wihi ni wihi wo tano; kumbe
 - (ii) rhekodo yihi ni yihi leyi munhu yoloye hi ku landza Nawu lowu a lavekaka leswaku a yi hlayisa;
- (l) nkarhi wihi ni wihi xi nga ha nghena eka movha wihi ni wihi xi kambela xofamba xo tano;
- (m) eka nkarhi wihi ni wihi xi nga ha nghena eka byako byihi ni byihi laha xi nga ni mianakanyo ya leswaku ku vekiwele movha wa mutirhisi kumbe laha rhekodo yihi ni yihi kumbe tsalwa rin'wana ri lavekaka ku vekiwa kona hi ku landza Nawu lowu swi kumekaka kona, ni ku kambela xofamba xolexo, ni ku kambela ni ku kopa rhekodo yihi ni yihi yo tano kumbe tsalwa, leswi xi swi kumaka kwalaho;
- (n) loko xi ri ni mianakanyo yo ehleketa leswaku nandzu wu endliwile ehansi ka Nawu lowu hi tlhelo ra rhekodo yihi ni yihi kumbe tsalwa, leswi kamberiweke hi xona xi nga ha khoma rhekodo yaleyo kumbe tsalwa, naswona laha tsalwa rihi ni rihi ri khomiweke tano, xipitikopo xi fanele ku nyika rhisiti ra sweswo eka munhu la khumbekaka;
- (o) xi nga ha kambela movha wihi ni wihi kumbe xiphemu xa wona ni ku khoma tsalwa rihi ni rihi leri nyikiweke mayelana ni ku rhijistariwa ni ku nyikiwa layisense ka movha wolowo leswi fambelanaka ni movha wo tano, laha swi kumekaka leswaku njhini kumbe nomboro ya chesi ya movha wolowo swi hambana ni njhini kumbe nomboro ya chesi leswi kombisiweke eka tsalwa, xi tlhela xi lerisa leswaku movha wolowo wu tekiwa, xikan'wekan'we, wu ya exitichini xa maphorisa lexi vuriwaka hi xipitikopo xolexo ku ya kuma vumbhoni bya maphorisa, naswona endzhaku ko va vumbhoni byi kumiwile, xi nga ha tlherisela tsalwa leri khomiweke eka munhu wihi ni wihi loyi a nga ni mfanelo ya rona, kumbe xi tivisa n'winyi wa movha la khumbekaka leswaku xofamba xolexo xi fanele ku tlhela xi rhijistariwa, tani hilaha mhaka yi nga ha vaka yi yime hakona; naswona
- (p) xi nga ha lava ku suka eka n'winyi, mutirhisi kumbe muchayeri wa xofamba lexi rhijistariweke eka ndzilekano wihi ni wihi lowu vekiweke, vumbhoni bya maphorisa hi tlhelo ra movha wolowo xi nga si pfumelela xofamba xolexo ku va xi tekiwa xi tlula mindzilekano ya Riphabliki: Ku ri leswaku xirho xa Huvonkulu xi nga ha ntshuxa n'winyi wihi ni wihi, mutirhisi kumbe muchayeri hi ndlela leyi vekiweke ku va a nga humesi vumbhoni bya maphorisa byo tano.

Ku hluleka ku landzelela xileriso kumbe xiletelo xa mukamberi wa tilayisense, xipitikopo, mukamberi wa swofamba kumbe mutirhela-tiko wa ku rhula

11. A ku na munhu la faneleke—

- (a) ku tsandzeka ku landzelela xileriso xihi ni xihi kumbe xiletelo lexi a xi nyikiweke hi mukamberi wa tilayisense, xipitikopo kumbe mukamberi wa swofamba, kumbe ku kavanyeta, ku sivela kumbe ku nghenelela mukamberi wa tilayisense wihi ni wihi, xipitikopo kumbe mukamberi wa swofamba eka ku tirhisa matimba wahi ni wahi kumbe ku endla mfanelo yihi ni yihi ehansi ka Nawu lowu;
- (b) ku tsandzeka ku landzelela xileriso xihi ni xihi kumbe xiletelo lexi a xi nyikiweke hi mutirhela-tiko wa ku rhula, kumbe ku kavanyeta, ku sivela kumbe ku nghenelela mutirhela-tiko wa ku rhula eka ku tirhisa matimba wahi ni wahi lama fambelanaka ni kungu ra Nawu lowu leri nyikiweke eka yena ehansi ka xiyenge xa 334 xa Nawu wa Maendlelo ya Milandzu ya Vugevenga, 1977 (Nawu wa 51 wa 1977);
- (c) ku endlela ku sindzisa munhu wihi ni wihi la vuriwaka eka ndzimana ya (a) kumbe (b) ku endla kumbe ku tshika ku endla xiendlo xihi ni xihi hi tlhelo ra ku tirhisa matimba ya yena kumbe ku endla timfanelo ta yena, kumbe hi mhaka yo va munhu yoloye a endlile kumbe a tshikile ku endla ntirho wo tano, a xungeta kumbe ku ringanyeta ku tirhisa madzolonga ehenhleni ka kumbe ku sivela munhu yoloye kumbe xaka rihi ni rihi ra yena kumbe vahlayisiwa, kumbe a xungeta kumbe ku ringanyeta ku onhiwa kwihi ni kwihi eka nhundzu ya munhu yoloye kumbe ya maxaka wahi ni wahi kumbe vahlayisiwa.

(2) Loko ku humesiwa ka tsalwa rihi ni rihi leri nga lavekiki ku damarhetiwa eka xofamba kumbe ku hlayisiwa eka yena kumbe eka movha hi munhu wihi ni wihi swi koxiwa hi ku landza swiyenge swa 7(b) kumbe 10(i) humesiwa koloko eka xitichi xa maphorisa xihi ni xihi kumbe, ehofisini leyi vekiweke swona hi vulawuri lebyi faneleke ku va yi tirhisiwa hi xipitikopo kumbe mutirhela-tiko wa ku rhula, ku nga si hundza nkombo wa masiku endzhaku ka ku koxiwa ka rona, swi fanele swi tekiwa swi ri nandzelelo lowu ringaneke wa xikoxo.

(3) Loko tsalwa rihi ni rihi ri humesiwa hi ku landza xiyengenyana xa (2) exitichini xa maphorisa xihi ni xihi kumbe hofisi leyi vuriwaka eka xiyengenyana xexo, mutirhela-tiko la nga na vutihlamuleri bya xitichi xexo xa maphorisa kumbe hofisi leyi tirhiseriwaka sweswo u fanele xikan'we-kan'we a tivisa hi ndlela leyi faneleke mutirhela-tiko loyi a endleke xikoxo lexi khumbekaka a tlhela a fanela ku nyika rhisiti ya ku humesiwa ka tsalwa rero eka munhu la ri humesaka.

(4) Laha tsalwa ri nga humesiweki hi ku landza xiyengenyana xa (2) naswona tsalwa ra xihehlo rihi ni rihi ro humesa kumbe ku nyika munhu hi ku landza xiyenge xa 54, 56, 72 kumbe 341 xa Nawu wa Maendlelo ya Milandzu ya Vugevenga, 1977, mukamberi wa tilayisense, xipitikopo kumbe mutirhela-tiko wa ku rhula a nga ha kombela nkandziyiso wa khudzu ra ximatsi ra munhu loyi tsalwa ra xihehlo ri fambelaka na yena eka tsalwa ra xihehlo ro tano, naswona munhu wo tano u fanele ku boheka ku nyika nkandziyiso wo tano hi ndlela leyi ni le ka ndhawu kumbe tindhawu etsalweni na tikopi ta rona tani hilaha swi leteriweke hi mukamberi, mutirhela-tiko kumbe mukamberi wa swofamba la khumbekaka: Ku ri leswaku loko swi nga endleki ku kuma nkandziyiso wa khudzu ra ximatsi ra munhu yoye, nkandziyiso wa ritiho rihi ni rihi rin'wana wu nga ha laveka, laha eka mhaka yaleyo ritiho leri tirhisiweke tano ri faneleke ku kombisiwa hi ku tsala hi mukamberi, mutirhela-tiko kumbe mukamberi wa swofamba la khumbekaka ehansi ka nkandziyiso wa ritiho rero.

Ku tiendla mutirhela-tiko la nyikiweke matimba kumbe mutirhela-tiko wa ku rhula hi vuxisi kumbe ku kucetela mutirhela-tiko wo tano ku tshika timfanelo ta yena.

12. (1) Munhu wihi ni wihi la nga riki mutirhela-tiko la nyikiweke matimba kumbe mutirhela-tiko wa ku rhula a nga fanelanga hi marito, matikhomelo kumbe mahanyeke, ku tiendla onge hi yena mutirhela-tiko la nyikiweke matimba kumbe mutirhela-tiko wa ku rhula.

(2) A ku na munhu la faneleke ku ticopetisa kumbe ku kucetela kumbe ku ringeta ku kucetela mutirhela-tiko ku endla mfanelo ya yena kumbe ku endla xendlo lexi kanetanaka ni mfanelo ya yena.

KAVANYISA KA II

VALETERI

Muleteri u fanela ku rhijistariwa no ntlawahatiwa

13. (1) A ku na munhu la faneleke ku tirha tanihi muleteri handlekaloko a rhijistariwile ni ku ntlawahatiwa hi ku landza xiyenge xa 15.

(2) A ku na munhu la faneleke ku thola munhu wihi ni wihi un'wana tani hi muleteri, kumbe a tirhisa vutirheli bya yena tani hi muleteri, handlekaloko munhu yoye a rhijistariwile tani hi muleteri hi ku landza xiyenge xa 15.

Xikombelo xo rhijistariwa tanihi muleteri

14. (1) Munhu la navelaka ku rhijistariwa tani hi muleteri u fanele ku endla xikombelo xo rhijistariwa eka xirho xa Huvonkulu hi ndlela leyi vekiweke.

(2) Xikombelo lexi vuriwaka eka xiyengenyana xa (1) xi fanele ku yisiwa swin'we ni tihakelelo leti vekiweke.

Ku rhijistariwa ni ku ntlawahatiwa ka muleteri

15. Loko Xirho xa Huvonkulu xi enerisiwile leswaku mukomberi la vuriwaka eka xiyenge xa 14 wa fikelela swilaveko swa vuswikoti ni ntlawahato tani hilaha swi vekiweke ku ya hi nkhetekanyo wo karhi wa xikombelelo, u fanele ku rhijistara ni ku ntlawahata mukomberi wo tano hi ndlela leyi vekiweke.

Ku yimisiwa ni ku khanseriwa ka ku rhijistariwa ka muleteri

16. Xirho xa Huvonkulu, hi ndlela leyi vekiweke, xi nga ha yimisa eka nkarhi wo karhi tani hilaha a nga ha vona ka swi ringanerile, kumbe ku khansela, ku rhijistariwa ka muleteri loko muleteri yoloye—

- (a) hi ku vona ka Xirho xa Huvonkulu a ri ni nandzu wa matikhomele yo biha eka matirhisele ya matimba ya yena kumbe eka ku endla timfanelo ta yena; kumbe
- (b) a tsandzekile ku va kona eka khoso leyi faneleke yo pfuxeta eka ndhawu yo letela leyi pfumeleriweke hi Xirho xa Huvonkulu ku nga si hela nkarhi lowu vekiweke.

KAVANYISA KA III**VUKAMBERI BYA VUKAMBELELO NI TINDHAWU TO KAMBELA TA TILAYISENSE TO CHAYELA****Ku thoriwa ka vukamberi bya vukambelelo**

17. (1) Xirho xa Huvonkulu u fanele ku veka munhu, vulawuri kumbe nhlango tani hi vukamberi bya xifundzankulu bya vukambelelo.

(2) Matimba ni timfanelo ta vukamberi lebyi vuriwaka bya vukambelelo mayelana ni ku kambela na vulawuri bya mimpimo, ntlawahato ni matirhele ya vukambelelo swi fanele ku va hilaha swi nga vekiwa hakona.

(3) Xirho xa Huvonkulu, ku endlela ku hakelela tihakelelo leti vangiwa hi kumbe ematshan'weni ya vukamberi lebyi vuriwaka hi tlhelo ra xikongomelo xa ku tirha mintirho ya byona, xi nga ha veka tihakelelo leti fanelaka ku hakeriwa hi tlhelo ra xikambelo xin'wana ni xin'wana lexi endliwaka kumbe xikambelwana lexi endliwaka mayelana ni ku lulamela patu ka movha.

Ku thoriwa ka vukamberi bya tindhawu to kambela tilayisense to chayela

18. (1) Xirho xa Huvonkulu xi fanele ku veka munhu, vulawuri kumbe nhlango tani hi vukamberi bya xifundzankulu bya tindhawu to kambela tilayisense to chayela.

(2) Matimba ni timfanelo ta vukamberi mayelana ni ku kambela ni ku lawula mimpimo, ntlawahato ni matirhele ya tindhawu to kambelela tilayisense to chayela swi fanele ku vekiwa.

(3) Xirho xa Huvonkulu, ku endlela ku hakela tihakelelo leti vangi waka hi kumbe ematshan'weni ya vukamberi lebyi vuriwaka hi tlhelo ra xikongomelo xo endla mintirho ya byona, xi nga ha veka tihakelelo leti nga ta hakeriwa mayelana ni vukamberi lebyi endliweke hi ku landza xiyenge lexi.

KAVANYISA KA IV

TIHAKELELO TO PAKA

Matimba ya vulawuri bya ndhawu yo hlengeleta tihakelelo to paka

19. (1) Vulawuri bya ndhawu, hi xiboho ni hi tlhelo ra xikongomelo lexi vuriwaka eka xiyengenyana xa (3)(a) byi nga ha hakerisa tihakelelo hi tlhelo ra ku paka swofamba eka patu ra mani na mani rihi ni rihi kumbe xiphemu xa rona endzeni ka ndhawu ya matimba ya vulawuri bya byona.

(2) Tihakelelo leti vuriwaka eka xiyengenyana xa (1) ti nga ha hambana hi tlhelo ra mapatu ya mani na mani yo hambana-hambana kumbe swiphemu swo hambana-hambana swa patu rero ra mani na mani.

(3) (a) Loko mitara yo paka yi vakeriwa hi xikongomelo xo hlengeleta tihakelelo kumbe hi xikongomelo xo lawula swofamba yi fanele ku vakeriwa ku katsa ni ndhawu kumbe tindhawu to paka leti tsemiweke naswona yi fanele ku va ni ndhawu laha ku kombisiwaka masiku ni tiawara laha ku nga ta hakeriwa loko ku pakiwa ni ntsengo lowu hakeriwaka eka nkarhi wo karhi wo paka.

(b) Loko ndlela yihi ni yihi yin'wana yi tirhisiwa ehandle ka mitara yo paka ku va ku hlengeletwa tihakelelo leti vuriwaka eka xiyengenyana xa (1) makungu ya fanele ku ta endliwa leswaku ku va ni mfungho lowu kombisaka eka ndhawu ya paka leyi khumbekaka ku kombisa masiku ni tiawara laha ku faneleke ku hakeriwa loko ku pakiwa, ntsengo lowu hakeriwaka eka nkarhi wo karhi wo paka ni mukhuva wo hakela wa nkarhi wo paka wo karhi.

(4) (a) Nkarhi lowu xofamba xi nga pakaka hi nawu eka ndhawu yo paka lowu vuriwaka eka xiyengenyana xa (3)(a), wu fanele, ehandle ka loko wu vula swin'wana wu pimiwa hi mitara yo paka hi tlhelo ra ndhawu yaleyo.

(b) Loko ndlela yihi ni yihi yin'wana handle ka ya mitara yo paka yo tirhisiwa ku hlengeleta tihakelelo leti vuriwaka eka xiyengenyana xa (1), nkarhi lowu hi tlhelo ra wona xofamba xi nga ha pakiwaka swi ri nawini endhawini yo paka leyi vuriwaka eka xiyengenyana xa (3)(b), handlekaloko leswi hambaneke swi nga kombisiwa, wu fanela ku va hilaha wu pimiweke hi ku tirhisa ndlela leyi khumbekaka hi tlhelo ra xofamba lexi khumbekaka.

(5) Vulawuri bya ndhawu byihi ni byihi byi nga ha simeka eka patu ra mani na mani endzeni ka ndhawu ya matimba ya vulawuri bya byona swivandla ni vuyimelo (leswi nga ta tiveka tani hi tindhawu to hlawuleka to paka), ku va ku pakiwa mimovha yo rhwala vanhu kumbe ntlawa wihi ni wihi wa swofamba tani hilaha swi vekiweke, byi nga ha endla swinawana swa doroba ku fambisa ni ku lawula ku tirhisiwa ka tindhawu leti to hlawuleka to paka—

- (a) ku kunguhata hi tlhelo ro nyika mimpfumelelo ku avela tindhawu to karhi to hlawuleka to paka kumbe swiphemunyana swa tona eka vanhu vo karhi kumbe swofamba ku va swi tirhisiwa hi vona ntsena;
- (b) ku sivela ku tirhisiwa ka ndhawu yo hlawuleka yo paka yihi ni yihi kumbe xiphemunyana lexi vekiweke sweswo hi munhu wihi ni wihi un'wana kumbe xofamba;
- (c) ku hakerisa tihakelelo hi tlhelo ra ku tirhisiwa ka tindhawu to hlawuleka to paka; ni
- (d) ku kunguhata hi tlhelo ra timhaka leti fambelanaka na sweswo:

Ku ri leswaku makungu ya nga ha endliwa eka mpfumelelo wihi ni wihi kumbe eka ku pfuxeta kwihi ni kwihi ka wona hi tlhelo ra ku pimeriwa ka tiawara eka nkarhi lowu mukhomi a nga ta fanela ku tirhisa a ri yexe ndhawu yo hlawuleka yo paka ni hi nkarhi lowu ku tirhisa koloko hi munhu wihi ni wihi un'wana kumbe xofamba ku yirisiweke.

(6) Eka nkavelo wo rhanga wa ndhawu yo hlawuleka yo paka yihi ni yihi kumbe xiphemunyana lexi vuriwaka eka xiyengenyana xa (5), vulawuri bya ndhawu byi fanele hilaha swi nga koteke byi tekela enhlokweni ku leha ka nkarhi lowu ha wona mukombera wa sweswo a nga va a ri ni bindzu ro fambisa vakhandziyi lava hakelaka va ntlawa wa xofamba lowu khumbekaka.

(7) Swinawana swa doroba leswi endliwaka hi ku landza xiyengenyana xa (5) swi fanele ku kunguha hi tlhelo ra ku pfuxeta hi vuntshwa lembe na lembe ku ya hi matikhomele lamanene ya mukombera, hi ku tirhisa loku lulameke ka ndhawu yo hlawuleka yo paka yo tano kumbe xiphemunyana xa yona.

(8) Tihakelelo leti hlengetiweke hi vulawuri bya ndhawu hi ku tirhisa mitara yo paka, kumbe hi tlhelo ra ndhawu yo paka tani hilaha swi languteriwaka eka xiyenge lexi, ti fanele, ehandle ko pfumeleriwa hi Xirho xa Huvonkulu lexi khumbekaka, ti tirhisiwa ntsena ku hakelela nxavo wa, ni leswi vangaweke hi xikimi xihi ni xihi, ntirho kumbe ku tiboha ku antswisa kumbe ku lawula swiyimo swa swofamba endzeni ka ndhawu ya vulawuri bya ndhawu byebyo, ku katsa ni nxavo wo ngenisa ni ku hlayisa mitara wo paka wihi ni wihi wo tano, ndhawu yo paka kumbe ndhawu yo hlawuleka yo paka.

(9) Ku tirhisa ka vulawuri bya ndhawu ka matimba ya byona ehansi ka xiyenge lexi a swi fanelangi ku endla leswaku vulawuri byi ya hi vutihlamuleri byihi ni byihi mayelana ni ku lahleka ka kumbe ku vaviseka ka xofamba xihhi ni xihhi kumbe leswi nga endzeni kumbe swi ngenisiwa swa xofamba xihhi ni xihhi xo tano loko movha wolowo wu ri endhawini yo paka, endhawini yo paka kumbe eka ndhawu yo hlawuleka yo paka.

KAVANYISA KA V

KU SWI TEKA TANO NI MAENDLELE YA XINAWU

Ku swi teka tano mayelana ni patu ra mani na mani, firiweyi ni patu ra mani na mani etindhawini ta le madorobeni

20. (1) Laha eka ntengiso wihi ni wihi ehansi ka Nawu lowu swi ehleketeriwaka leswaku nandzu wu endliwile eka patu ra mani na mani ku fikela loko swi kombisiwa leswaku a swi tano, patu leri khumbekaka ri fanela ku tekiwa tani hi patu ra mani na mani.

(2) Laha eka ntengiso wihi ni wihi ehansi ka Nawu lowu swi ehleketeteriwaka leswaku nandzu wu endliwile eka firiweyi ku fikela loko swi kombisiwa leswaku a swi tano, patu leri khumbekaka ri fanele ku tekiwa ri ri firiweyi.

(3) Laha eka ntengiso wihi ni wihi ehansi ka Nawu lowu swi ehleketeteriwaka leswaku nandzu wu endliwile eka patu ra mani na mani ra ndhawu ya le madorobeni ku fikela loko swi kombisiwa leswaku a swi tano, patu leri khumbekaka ri fanele ku tekiwa ri ri patu ra mani na mani eka ndhawu ya le madorobeni.

Ku swi teka n'winyi a chayerile kumbe ku paka xofamba

21. (1) Laha eka ntengiso wihi ni wihi ehansi ka Nawu lowu, swi lavekaka ku tivisisa leswaku a ku ri mani muchayeri wa xofamba, ku fikela loko swi kombisiwa leswaku a swi tano swo fanela ku tekiwa leswaku xofamba xo tano a xi chayela hi n'winyi wa xona.

(2) Loko xofamba xi tshuka xi pakiwile hi ku tlula makungu wahi ni wahi ya Nawu lowu kumbe xinawana xa doroba lexi endliweke ehansi ka wona, ku fikela loko swi kombisiwa leswaku a swi tano swo fanela ku tekiwa, leswaku xofamba xolexo xi pakiwe hi n'winyi wa xona.

(3) Hi tlhelo ra swikongomelo swa swiyengenyana swa (1) na (2) ku fikela loko swi kombisiwa leswaku a swi tano, swi fanele, leswaku, laha n'winyi wa xofamba lexi khumbekaka ri nga vandla, xofamba xo tano xi chayeriwile kumbe ku pakiwa, tani hilaha swi languteriwaka eka swiyengenyana sweswo, hi mulawuri kumbe mutirhi wa vandla eka ku tirhisa matimba ya yena kumbe ku endla timfanelo ta yena tani hi mulawuri wo tano kumbe mutirhi kumbe eku yiseni emahlweni kumbe ku ringeta ku yisa emahlweni ku khumbeka ka vandla.

Ku swi teka tano mayelana ni vatirhela-tiko

22. Eka ntengiso wihi ni wihi ehansi ka makungu ya Nawu lowu, mhaka ya leswaku munhu wihi ni wihi a tivula leswaku kumbe a tivule leswaku i xipitikopo kumbe mukamberi wa tilayisense, mukamberi wa swofamba kumbe mukamberi wa tilayisense to chayela, byi fanele ku va vumbhoni bya *prima facie* bya ku thoriwa ni vulawuri byo tirha tano: Ku ri leswaku makungu ya xiyenge lexi a ma fanelanga ku tirha eka ntengiso eka xihehlo lexi fambelanaka ni ku tiendla munhu wo karhi.

KAVANYISA KA VI**TIAPILI****Mfanelo yo apila eka Holobyenkulu**

23. (1) Munhu wihi ni wihi, ndzawulo ya Tiko, kumbe vulawuri byo rhijistara lebyi vavisiweke—

- (a) hi ku ala ka Xirho xa Huvonkulu ku byi rhijistara kumbe ku byi ntlawahata, tani hilaha mhaka yi nga ha va ka hakona, eka matimba wahi ni wahi lama vuriwaka eka ku hlamusela mutirhela-tiko la nyikiweke matimba, kumbe tani hi ndhawu yo kambela tilayisense to chayela, kumbe tani hi vuka-mbelelo, kumbe tani hi muleteri;
- (b) hi ku yimisiwa kumbe ku khanseriwa ka ku rhijistariwa kwihi ni kwihi kumbe ku ntlawahatiwa; kumbe
- (c) eka xiboho xihi ni xihi xin'wana xa Xirho xa Huvonkulu mayelana ni migingiriko ya mutirhisi;

Ku nga si hela 21 wa masiku endzhaku ka ku ariwa ko tano, ku yimisiwa kumbe ku khanseriwa, kumbe xiboho a nga ha apila eka Holobyenkulu hi ku tsala ehenhleni ka ku ariwa ko tano, ku yimisiwa kumbe ku khanseriwa, kumbe xiboho, naswona munhu wo tano, ndzawulo ya Tiko kumbe vulawuri byo rhijistara byi fanele hi nkarhi wu ri wun'we byi nyiketa kopi ya apili eka Xirho xa Huvonkulu.

(2) Endzhaku ko amukela kopi ya apili leyi vuriwaka eka xiyengenyana xa (1), Xirho xa Huvonkulu xi fanele xikan'wekan'we xi nyika Holobyenkulu mianakanyo ya xona ya ku ala, ku yimisiwa kumbe ku khanseriwa, kumbe xiboho lexi ku apila kwihi ni kwihi ko tano ku fambelanaka na kona.

(3) Holobyenkulu endzhaku ko tekela enhlokweni apili hi ku landza xiyengenyana xa (1), a nga ha nyika xiboho lexi a vonaka swi fanerile.

(4) Apili leyi vuriwaka eka xiyengenyana xa (1) yi katsa ni apili leyi alanaka ni ku aleriwa kwihi ni kwihi, ku yimisiwa kumbe ku khanseriwa, kumbe xiboho xa Xirho xa Huvonkulu eka Nawu wa Rixaka wa Swofamba eMapatwini, 1996.

Mfanelo yo apila eka Xirho xa Huvonkulu

24. (1) Munhu wihi ni wihi la vavisekeke hi ku aleriwa hi mukamberi wa tilayisense to chayela ku nyikiwa kumbe ku lerisa ku nyikiwa layisense yo dyondza kumbe yo chayela, ku nga si hela 21 wa masiku endzhaku ka ku aleriwa ko tano, a nga ha apila hi ku tsalela eka Xirho xa Huvonkulu xa Xifundzankulu laha mukamberi yoloye a thoriweke tano naswona munhu wo tano u fanele hi nkarhi wolowo a nyiketa kopi ya apili eka mukamberi la khumbekaka.

(2) Munhu wihi ni wihi loyi a vavisekeke hi ku aleriwa hi mukamberi wa swofamba kumbe vukambeleso ku n'wi nyika setifikheti yo lulamela patu hi tlhelo ra xofamba kumbe ku lerisa ku n'wi nyika setifikheti yo tano, kumbe hi swipimelo leswi ku ya hi swona setifikheti yaleyo yi nga nyikiwa eka yena, ku nga si hela 21 wa masiku endzhaku ka ku aleriwa kwihi ni kwihi ko tano kumbe endzhaku ka ku nyikiwa ka setifikheti ku ya hi swipimelo leswi khumbekaka, a nga ha apila hi ku tsalela Xirho xa Huvonkulu xa xifundzankulu laha mukamberi yoloye a nga thoriwa tano kumbe vukambeleso byebye laha xi rhijistariweke kona, naswona munhu wo tano u fanele hi nkarhi wu ri wun'we a nyiketa kopi ya apili eka mukamberi kumbe vukambeleso lebyi khumbekaka.

(3) Endzhaku ko amukela kopi ya apili leyi vuriwaka eka swiyengenyana swa (1) na (2), mukamberi wa tilayisense to chayela kumbe mukamberi wa swofamba, tani hilaha mhaka yi nga ha vaka hakona, u fanele xikan'wekan'we a nyika Xirho xa Huvonkulu mianakanyo ya yena yo ala mayelana ni leswi apili yo tano yi vulaka swona.

(4) Hi tlhelo ra xikongomelo xo boha apili hi ku landza xivengenyana xa (1), Xirho xa Huvonkulu xi nga ha thola munhu wihi ni wihi ku kambela ni ku ringeta muapili hi vuswikoti bya yena byo chayela ntlawa wa movha lowu khumbekaka naswona ku engetela kwalaho, a nga kombela ntlawa wun'wana ni wun'wana eka apili ku nyika mahungu ni vumbhoni lebyi a nga ha vonaka byi fanerile.

(5) Hi tlhelo ra xikongomelo xo boha hi ta apili hi ku landza xiyengenyana xa (2), Xirho xa Huvonkulu—

(a) laha apili yi khumbaka setifikheti yo lulamela patu, xi nga ha endla leswaku movha lowu khumbekaka wu kamberiwa ni ku ringetiwa hi mukamberi wa swofamba la boxiweke hi xona; na

(b) ku kombela ntlawa wun'wana ni wun'wana ku nyika mahungu yo karhi kumbe vumbhoni lebyi xi nga ha vonaka byi fanerile.

(6) Xirho xa Huvonkulu endzhaku ko tekela enhlokweni apili leyi khumbekaka xi nga nyika xiboho xo tano tani hilaha xi nga ha vonaka swi fanerile.

(7) Apili leyi vuriwaka eka swiyengenyana swa (1) na (2) swi katsa ni apili ehenhleni ka ku aleriwa kwihi ni kwihi, ku yimisiwa kumbe ku khanseriwa, kumbe xiboho hi munhu wihi ni wihi hi ku landza Nawu wa Rixaka wa Swofamba eMapatwini, 1996.

KAVANYISA KA VII

SWINAWANA NI SWINAWANA SWA DOROB

Matimba ya Xirho xa Huvonkulu yo endla swinawana

25. (1) Xirho xa Huvonkulu xi nga ha endla swinawana, leswi nga alaneki ni makungu ya Nawu lowu ni Nawu wa Rixaka wa Swofamba eMapatwini, 1996, hi tlhelo ra timhaka tihi ni tihi leti languteriwaka, leswi lavekaka kumbe leswi pfumeleriwaka ku va swi vekiwa ehansi ka Nawu lowu ni hi ku angarihela ku endlela ku tirha ko antswa ka makungu kumbe swikongomelo swa Nawu lowu kumbe Nawu wa Rixaka wa Swofamba eMapatwini, 1996, naswona ngopfu-ngopfu, kambe ku nga ri ni ku kanetana ka ku angarihela ka makungu lama nga kona—

- (a) hi tlhelo ra movha, muhlovo ni swihlawulekisi swa kumbe tinomboro to rhijistara leswi faneleke ku kombisiwa ehansi ka Nawu lowu ni tindlela leti nga ta tirhisiwa ku endlela leswaku mfungho lowu kumbe nomboro swi vonaka hi ku olova, hambi i vusiku kumbe i nhlekanhi, loko xofamba xihi ni xihi xo tano xi fambisiwa eka patu ra mani na mani;
- (b) ku ya hi swinawana leswi endliweke ehansi ka Nawu wa Rixaka wa Swofamba eMapatwini, 1996, ku yimisa ni ku pakiwa ka swofamba eka mapatu ya mani na mani;
- (c) ndlela yo boha mhaka yihi ni yihi leyi lavekaka eka swikongomelo swa Nawu lowu;
- (d) xivumbeko xihi ni xihi, endlelo kumbe mfungho lowu Xirho xa Huvonkulu xi nga vonaka swi fanerile eka Swikongomelo swa Nawu lowu ni mukhuva ni vuandlalo bya mahungu wahi ni wahi lama faneleke ku nyikiwa hi xikongomelo xa xivumbeko xexo;
- (e) ku nyika setifikheti ya duvulikheti, layisense kumbe tsalwa rin'wana kumbe mfungho lowu nyikiweke hi ku landza Nawu lowu loko lexo sungula xi tshuka xi lahlekile, xi herisiwile kumbe xi thunyekile kumbe vuxokoxoko byihi ni byihi eka xona byi nga ha hlayeki;
- (f) ambalelo, ku katsa ni mfungho wa swipitikopo ni valanguteri va swofamba eMapatwini lava thoriweke hi ku landza xiyenge xa 3;

- (k) ku thoriwa ka bodo yo tsundzuxa yo lawula swofamba emapatwini leyi yi vumbiwaka hi swirho leswi swi nga riki hansi ka swinharhu ku tsundzuxa vulawuri bya ndhawu ehenhleni ka timhaka hinkwato ta vulawuri bya swofamba emapatwini;
- (l) ku tirhisiwa ka patu ra mani na mani rihi ni rihi hi swofamba hi ku angarhela;
- (m) mpimo wa vukhale bya vachayeri va swofamba leswi swi kokiwaka hi swifuwo;
- (n) xivumbeko xihi ni xihi kumbe mfungho lowu vulawuri bya ndhawu byi nga vonaka swi fanerile hi swikongomelo swa xinawana xa doroba xihi ni xihi, ni yimelo ni vukulu bya mahungu wahi ni wahi lawa ya faneleke ku nyikiwa hi xikongomelo xa xivumbeko xihi ni xihi xo tano;
- (o) ku pfumeleriwa ka vulawuri bya ndhawu byihi ni byihi loko ku tshuka ku vile ni nchumu lowu wu lavekaka eka yena ehansi ka nawu wa ndhawu wihi ni wihi ku endla xiendlo xo tano ni ku kota tihakelelo swa byona eka munhu loyi a nga ni xihoxo;
- (p) ntiko wa nhundzu yihi ni yihi kumbe nhlayo ya vakhandziyi lava kumbe swihari/swifuwo leswi swi nga fambisiwaka hi xikanyakanya;
- (q) xinawana, xisivelo; ku yirisiwa kumbe ku lawuriwa ka ku paka eka mapatu ya mani na mani ka swofamba leswi swi nga swa vinyi, leswi hlayisiwaka kumbe ku tirhisiwa hi vaxavisi kumbe leyi yi nga vekiwa evuhlayiselweni kumbe ehansi ka vulawuri bya vona hi nkarhi wa bindzu ra muxavisi wihi ni wihi leri ri yisiwaka emahlweni, naswona
- (r) mhaka yihi ni yihi yin'wana hi tlhelo leri vulawuri bya ndhawu byi nga endlaka swinawana swa madoroba ehansi ka Nawu lowu.

(2) Matimba yo endla swinawana swa madoroba hi tlhelo ra xikongomelo xihi ni xihi lexi xi vuriwaka eka xiyengenyana xa (1) ya ta katsa matimba yo yirisa kumbe ku sivela mhaka yihi ni yihi kumbe xilo hi mayelana ni xikongomelo xexo, hambi hi ku hetiseka kumbe hi xipimelo.

(3) Xinawana xa doroba xihi ni xihi ehansi ka xiyengenyana xa (1) xi nga ha endliwa xi tirha hi ku angarhela endhawini hinkwayo ya vulawuri bya ndhawu kumbe endzeni ka xiphemu xihi ni xihi xa yona lexi xi kombisisiweke kumbe eka nkhetekanyo wihi ni wihi lowu wu kombisisiweke wa xofamba kumbe munhu.

(4) Hi tlhelo ra xinawana xa doroba xihi ni xihi xa vulawuri bya ndhawu hambi xi endliwile ehansi ka Nawu lowu kumbe nawu wihi ni wihi wun'wana, xi nga ha va lexi xi nga hundzukiki eka xinawana xihi ni xihi ehansi ka Nawu lowu kumbe Nawu wa Rixaka wa Swofamba eMapatwini, 1996, xinawana xi fanela ku va na matimba.

(5) Xinawana xa doroba xihini ni xihini lexi xi endliweke ehansi ka xiyenge lexi xi nga ha kunguhata minxupulo ya ku tluriwa ka xona, naswona xi nga ha kunguhata minxupulo yo hambana-hambana loko ku tshuka ku humelela swiphiko hi ku landzelelana kumbe ku ya emahlweni kambe ku hava nxupulo lowu wu tlulaka ndziho kumbe xigwevo nkarhi wa tsevu wa tin'hweti.

Vulawuri bya ndhawu byi nga ha boha tihakelelo

27. Vulawuri bya ndhawu hi xiboho xo hlawuleka, byi nga ha boha tihakelelo leti ti faneleke ku hakeriwa hi tlhelo ra xikongomelo xihini ni xihini lexi xi languteriweke eka xiyenge xa 26.

KAVANYISA KA VIII

MARHIJISTARA NI TIRHEKODO

Marhijistara kumbe tirhekodo leti ti faneleke ku hlayisiwa

28. (1) Marhijistara kumbe tirhekodo tani hilaha ku lerisiweke hakona ti fanela ku hlayisiwa hi—

- (a) vulawuri lebyi byi landzelerisaka nawu;
- (b) vulawuri bya ndhawu byihini ni byihini; na
- (c) munhu wihi ni wihi loyi a vekiweke hi Xirho xa Huvonkulu hi xitiviso eka *Gazete ya Xifundzankulu*.

(2) Vuxokoxoko lebyi byi vekiweke byi fanela ku rhekodiwa hi ndlela leyi yi vekiweke eka marhijistara ni tirhekodo leti ti vuriwaka eka xiyengenyana xa (1).

(3) Vulawuri byihini ni byihini lebyi byi vuriwaka eka xiyengenyana xa (1) byi fanela ku nyika Xirho xa Huvonkulu hi ndlela na hi minkarhi tani hilaha swi vekiweke kumbe munhu wihi ni wihi kumbe nhlango lowu wu thoriweke hi Xirho xa Huvonkulu ni makungu lawa ya nga rhekodiwa eka rhijistara ra vulawuri byo tano naswano Xirho xa Huvonkulu xi fanela ku hlengela mahungu lawa ya nga nyikiwa tano kumbe ku endla leswaku ku hlengela rhijistara ro tano tani hilaha a nga vonaka swi fanerile hakona.

(4) Xirho xa Huvonkulu xi nga ha veka leswaku vulawuri byihini ni byihini byi fanela ku hlayisa marhijistara yo engetela kumbe tirhekodo tani hilaha a nga ha vonaka swi fanerile hakona.

Kopi ya leswi nga ngenisiwa eka rhijistara kumbe rhekodo yi ta va vumbhoni

29. (1) Tsalwa leri ri tekiwaka ku va ri tshahiwele ri huma eka kumbe kopi ya rona, rhijistara rihi ni rihi kumbe rhekodo leyi yi hlayisiweke hi ku landza Nawu lowu ni ku tekiwa ku tiyisa ku va tano, eka khoto yihini ni yihini naswona hi minkarhi hinkwayo hambani yihini ni yihini ri fanela ku

- (k) ku thoriwa ka bodo yo tsundzuxa yo lawula swofamba emapatwini leyi yi vumbiwaka hi swirho leswi swi nga riki hansi ka swinharhu ku tsundzuxa vulawuri bya ndhawu ehenhleni ka timhaka hinkwato ta vulawuri bya swofamba emapatwini;
- (l) ku tirhisiwa ka patu ra mani na mani rihi ni rihi hi swofamba hi ku angarhela;
- (m) mpimo wa vukhale bya vachayeri va swofamba leswi swi kokiwaka hi swifuwo;
- (n) xivumbeko xihi ni xihi kumbe mfungho lowu vulawuri bya ndhawu byi nga vonaka swi fanerile hi swikongomelo swa xinawana xa doroba xihi ni xihi, ni yimelo ni vukulu bya mahungu wahi ni wahi lawa ya faneleke ku nyikiwa hi xikongomelo xa xivumbeko xihi ni xihi xo tano;
- (o) ku pfumeleriwa ka vulawuri bya ndhawu byihi ni byihi loko ku tshuka ku vile ni nchumu lowu wu lavekaka eka yena ehansi ka nawu wa ndhawu wihi ni wihi ku endla xiendlo xo tano ni ku kota tihakelelo swa byona eka munhu loyi a nga ni xihoxo;
- (p) ntiko wa nhundzu yihi ni yihi kumbe nhlayo ya vakhandziyi lava kumbe swihari/swifuwo leswi swi nga fambisiwaka hi xikanyakanya;
- (q) xinawana, xisivelo; ku yirisiwa kumbe ku lawuriwa ka ku paka eka mapatu ya mani na mani ka swofamba leswi swi nga swa vinyi, leswi hlayisiwaka kumbe ku tirhisiwa hi vaxavisi kumbe leyi yi nga vekiwa evuhlayiselweni kumbe ehansi ka vulawuri bya vona hi nkarhi wa bindzu ra muxavisi wihi ni wihi leri ri yisiwaka emahlweni, naswona
- (r) mhaka yihi ni yihi yin'wana hi tlhelo leri vulawuri bya ndhawu byi nga endlaka swinawana swa madoroba ehansi ka Nawu lowu.

(2) Matimba yo endla swinawana swa madoroba hi tlhelo ra xikongomelo xihi ni xihi lexi xi vuriwaka eka xiyengenyana xa (1) ya ta katsa matimba yo yirisa kumbe ku sivela mhaka yihi ni yihi kumbe xilo hi mayelana ni xikongomelo xexo, hambi hi ku hetiseka kumbe hi xipimelo.

(3) Xinawana xa doroba xihi ni xihi ehansi ka xiyengenyana xa (1) xi nga ha endliwa xi tirha hi ku angarhela endhawini hinkwayo ya vulawuri bya ndhawu kumbe endzeni ka xiphemu xihi ni xihi xa yona lexi xi kombisisiweke kumbe eka nkhetekanyo wihi ni wihi lowu wu kombisisiweke wa xofamba kumbe munhu.

(4) Hi tlhelo ra xinawana xa doroba xihi ni xihi xa vulawuri bya ndhawu hambi xi endliwile ehansi ka Nawu lowu kumbe nawu wihi ni wihi wun'wana, xi nga ha va lexi xi nga hundzukiki eka xinawana xihi ni xihi ehansi ka Nawu lowu kumbe Nawu wa Rixaka wa Swofamba eMapatwini, 1996, xinawana xi fanela ku va na matimba.

(5) Xinawana xa doroba xihini ni xihini lexi xi endliweke ehansi ka xiyenge lexi xi nga ha kunguhata minxupulo ya ku tluriwa ka xona, naswona xi nga ha kunguhata minxupulo yo hambana-hambana loko ku tshuka ku humelela swiphiso hi ku landzelelana kumbe ku ya emahlweni kambe ku hava nxupulo lowu wu tlulaka ndziho kumbe xigwevo nkarhi wa tsevu wa tin'hweti.

Vulawuri bya ndhawu byi nga ha boha tihakelelo

27. Vulawuri bya ndhawu hi xiboho xo hlawuleka, byi nga ha boha tihakelelo leti ti faneleke ku hakeriwa hi tlhelo ra xikongomelo xihini ni xihini lexi xi languteriweke eka xiyenge xa 26.

KAVANYISA KA VIII

MARHIJISTARA NI TIRHEKODO

Marhijistara kumbe tirhekodo leti ti faneleke ku hlayisiwa

28. (1) Marhijistara kumbe tirhekodo tani hilaha ku lerisiweke hakona ti fanela ku hlayisiwa hi—

- (a) vulawuri lebyi byi landzelerisaka nawu;
- (b) vulawuri bya ndhawu byihini ni byihini; na
- (c) munhu wihi ni wihi loyi a vekiweke hi Xirho xa Huvonkulu hi xitiviso eka *Gazete ya Xifundzankulu*.

(2) Vuxokoxoko lebyi byi vekiweke byi fanela ku rhekodiwa hi ndlela leyi yi vekiweke eka marhijistara ni tirhekodo leti ti vuriwaka eka xiyengenyana xa (1).

(3) Vulawuri byihini ni byihini lebyi byi vuriwaka eka xiyengenyana xa (1) byi fanela ku nyika Xirho xa Huvonkulu hi ndlela na hi minkarhi tani hilaha swi vekiweke kumbe munhu wihi ni wihi kumbe nhlango lowu wu thoriweke hi Xirho xa Huvonkulu ni makungu lawa ya nga rhekodiwa eka rhijistara ra vulawuri byo tano naswano Xirho xa Huvonkulu xi fanela ku hlengeleta mahungu lawa ya nga nyikiwa tano kumbe ku endla leswaku ku hlengletiwa rhijistara ro tano tani hilaha a nga vonaka swi fanerile hakona.

(4) Xirho xa Huvonkulu xi nga ha veka leswaku vulawuri byihini ni byihini byi fanela ku hlayisa marhijistara yo engetela kumbe tirhekodo tani hilaha a nga ha vonaka swi fanerile hakona.

Kopi ya leswi nga ngenisiwa eka rhijistara kumbe rhekodo yi ta va vumbhoni

29. (1) Tsalwa leri ri tekiwaka ku va ri tshahiwele ri huma eka kumbe kopi ya rona, rhijistara rihi ni rihi kumbe rhekodo leyi yi hlayisiweke hi ku landza Nawu lowu ni ku tekiwa ku tiyisa ku va tano, eka khoto yihi ni yihi naswona hi minkarhi hinkwayo hambani yihi ni yihi ri fanela ku

amukeriwa tanihi vumbhoni naswona ri fanela ku amukeriwa tanihi vumbhoni bya *prima facie* bya ntiyiso wa timhaka leti ti hlamuseriweke etsalweni ro tano handle ka ku humesiwa ka rhijistara ro rhang'a kumbe rhekodo kumbe setifikheti yihi ni yihi, layisense, tsalwa rin'wana mayikhirofichi, mayikhirofilimi kumbe rhekodo leyi yi nga enghenisiwa eka khomphyuta leyi ku suka eka yona ntshaho wo tano kumbe kopi yi nga endliwa yi huma kona.

(2) Mahungu lawa ya nga endzeni ka rhijistara kumbe rhekodo leyi yi hlayisiweke hi swikongomelo swa Nawu lowu yi fanela ku nyikiwa eka—

- (a) xipitikopo kumbe mukamberi wa tilayinsense loyi a ri lavelaka ku endla timfanelo ta yena;
- (b) munhu wihi ni wihi loyi a pfumeleriwa hi Xirho xa Huvonkulu ku londza ku nyikiwa ko tano;
- (c) ndzawulo yihi ni yihi ya Tiko; kumbe
- (d) vulawuri bya ndhawu:

Ku ri leswaku mpfumelelo wa Xirho xa Huvonkulu kumbe manhu wihi ni wihi loyi a pfumeleriweke hi xona wu fanela ku kumeka ku nga si nyikiwa mahungu yo tano eka vulawuri lebyi byi vuriwaka eka ndzimana ya (d).

(3) Vulawuri byihi ni byihi lebyi byi hlayisaka rhijistara kumbe rhekodo hi ku landza xiyenga xa 28 hi ku komberiwa hi munhu wihi ni wihi naswona hi ku hakela tihakelelo leti ti vekiweke byi fanela ku—

- (a) ku tiyisa loko mahungu yo karhi ya yelana ni mahungu lawa ya nga eka rhijistara ro tano kumbe rhekodo loko hi ku vona ka valuwuri byo tano munhu yoloye, hi tinhlamuselo leti ti twisesekaka ku laveka ku tiyisiwa ka mahungu yo tano;
- (b) ku nyika mahungu lawa ya vuriwaka eka ndzimana ya (a) eka munhu yoloye loko hi ku vona ka vulawuri byebyo yena hi tinhlamuselo leti ti twisisekaka a lave leswaku mahungu yo tano ma nyikiwa eka yena.

Ku nga ha tekeriwa enhlokweni mahungu lawa ya nga endzeni ka rhijistara kumbe rhekodo.

30. Xirho xa Huvonkulu eku tirhiseni ka mavonele ya xona kumbe ku endla xiboho hi ku landza Nawu, xi nga ha tekela enhlokweni mahungu lawa ya nga endzeni ka rhijistara kumbe rhekodo leyi yi languteriweke eka xiyenge xa 28.

KAVANYISA KA IX

MAKUNGU HI KU ANGARHELA

Vupakelo bya vatirhi va vutshunguri

31. (1) Handle ko vula ni xihi ni xihi lexi xi kanetanaka lexi nga enawini wihi ni wihi, valuwuri bya ndhawu byi nga ha ntshuxa eka matshamelo ya timhaka ni hi ku ya hi swipimelo tani hilaha byi nga ha vonaka swi fanerile—

- (a) dokodela; kumbe
- (b) muongori loyi a nga rhijistariwa kumbe nsungukati tani hilaha ku hlamuseriweke hakona eka xiyenge xa (1) xa Nawu wa Vuongori, 1978 (Nawu wa 50 wa 1978), kusuka eka makungu ya nawu wihi ni wihi lowu wu yelanaka ni ku pakiwa ka movha endzeni ka ndhawu ya byona ya matimba ya vulawuri.

Makungu yo hlawuleka lawa ya yelanaka ni ku paka

32. (1) Handle ko vula ni xihi ni xihi lexi xi kanetanaka lexi nga enawini wihi ni wihi vulawuri bya ndhawu, eka matshamelo ya timhaka ni hi ku ya hi swipimelo leswi vekiweke, byi nga ha ntshuxa—

- (a) munhu wihi ni wihi loyi, hi ku vona ka vulawuri bya ndhawu byo tano, a nga ni vulema/vugono bya miri lebyi byi vekiweke; kumbe
- (b) munhu wihi ni wihi loyi a fambisaka kumbe a pfunetaka munhu loyi a languteriweke eka ndzimana ya (a), ku suka eka makungu ya nawu wihi ni wihi lowu wu yelanaka ni ku pakiwa ka movha endzeni ka ndhawu ya byona ya matimba ya vulawuri.

(2) Vulawuri bya ndhawu, naswona byi fanele eka matshamelo lama vekiweke, byi nga ha nyika tindhawu to paka to hlawuleka ta ku pakiwa ka swofamba leswi swi chayeriwaka hi vanhu lava va vuriwaka eka xiyengenyana xa (1) naswona tindhawu to tano to paka kona ti fanela ku kombisiwa hi mfungho wa swofamba emapatwini.

(3) Vulawuri bya ndhawu byi fanela ku lawula matirhiselo ya tindhawu to paka leti ti vuriwaka eka xiyengenyana xa (2) hi ndlela leyi yi vekiweke.

(4) Vulawuri bya ndhawu lebyi byi khumbekaka byi fanela ku nyika eka munhu loyi a vuriwaka eka xiyengenyana xa (1) vumbhoni bya ntshuxeko wo tano.

Xirho xa Huvonkulu xi nga ha pfumelela timali tin'wana

33. (1) Xirho xa Huvonkulu loko xi enerisiwile leswaku ntsengo wihi ni wihi lowu wu hakeriweke hi munhu, a wu tlula ntsengo lowu wu hakerisiwaka hi mfanelo ehansi ka Nawu lowu, xi nga ha pfumelela ku tlieriseriwa ka ntsengo wo tano kumbe xiphemu xihi ni xihi xa wona eka munhu wo tano.

(2) Xirho xa Huvonkulu a xi fanelanga ku pfumelela ku tlheriseriwa kwihi ni kwihi ehansi ka xiyenge lexi handle ka loko ku londziwa koloko ku amukeriwile hi vulawuri byo rhijistara kumbe mafambisele ya xifundzankulu ku nga si hela malembe manharhu endzhaku ka siku ro hakela leri ri khumbekaka.

Vulawuri byo rhijistara bya khumbeka hi vukamberi hi Odita Jenerala

34. Odita Jenerala nkarhi wihi ni wihi a nga ha endla leswaku ku kamberiswa tirhekodo ta vulawuri byo rhijistara ni timali ta tiko leti ti nga hlengeletwa hi vulawuri byo tano ehansi ka Nawu lowu.

Vukamberi byo vonisisa leswaku makungu ya Nawu lowu ya karhi ya hetisiwa

35. (1) Xirho xa Huvonkulu xi nga ha pfumelela munhu wihi ni whi ku endla ntirho wo kambela lowu Xirho xa Huvonkulu xi vonaka wu fanerile ku endlela ku vonisisa leswaku makungu ya Nawu lowu ya landzeleriwa.

(2) Ku hava munhu loyi a fanelaka ku sivela kumbe ku rhalanganya munhu wihi ni wihi eku endleni ka vukamberi byihi ni byihi lebyi byi vuriwaka eka xiyengenyana xa (1).

Ku hambana ka fomo leyi yi vekiweke

36. Xirho xa Huvonkulu, eka matshamelo ya timhaka lawa xi nga ha vonaka swi fanerile xi nga ha pfumelela vulawuri byo rhijistara kumbe byin'wana ku tirhisa, hi ku siva fomo leyi yi nga vekiwa hi tlhelo ra xikongomelo xo karhi fomo leyi yi hambanaka ni fomo yaleyo leyi yi vekiweke, naswona hi tlhelo ra vulawuri byebyo fomo yo hambana yo tano yi fanela ku tekiwa yi ri fomo leyi yi vekiweke hi tlhelo ra xikongomelo xexo.

Nsayino ematsalweni

37. Munhu wihi ni wihi loyi a nga kotiki ku sayina vito ra yena loko nsayino wa yena wu tshuka wu lavekile etsalweni rihi ni rihi hi ku landza Nawu lowu, u fanela ku kandziyisa ematshan'weni ya wona khudzu ra yena ra ximatsi ehenhla ka xivandla lexi endzeni ka xona lexi a ta va a fanerile ku sayina vito ra yena kona, naswona loko nkandziyiso wa khudzu ra yena ra ximatsi wu nga kumeki, u fanela ku siva hi wun'wana wa minkandziyiso ya tintiho ta yena naswona hi tlhelo ra mhaka leyi yo hetelela tsalwa leri ri nga funghiwa tano ri fanela ku indhoziwa hi mutirhela-tiko loyi nkandziyiso wu nga endliwa a ri kona, a kombisisa rintihlo leri ri nga tirhisiwa.

Ku yisiwa ka switiviso

38. (1) Loko hi ku landza Nawu lowu xitiviso xihi ni xihi xi pfumeleriwile kumbe xi laveka leswaku xi yisiwa kumbe ku nyikiwa eka munhu wihi, ni wihi xitiviso xo tano xi fanele ku yisiwa hi voko eka loyi xi nga kongomisiwa eka yena kumbe xi rhumeriwa eka yena hi poso yo rhijis-tariwa eka adirese ya yena leyi tivekaka yo hetelela: Ku ri leswaku adirese

leyi yi nyikiweke hi mukhomi wa layisense yo chayela hi nkarhi wa ku kombela ka yena layisense yo tano kumbe leyi rhekodiweke etlhelo ka vito ra yena eka rhijistara ra tilayisense to chayela, kumbe adirese leyi yi nga rhekodiwa etlhelo ka ntsariso wa xofamba eka rhijistara ra mimovha tanihi adirese ya n'winyi wa movha wo tano, yi fanela ku tirha tanihi vutshamu hi ta samanisi ni ku hetisa makungu hi tlhelo ra swikongomelo hinkwaswo leswi swi humaka eka kumbe hi swikongomelo swa Nawu lowu, hi tlhelo ra ku yisa switiviso, poso kumbe matsalwa ya swihehlo eka munhu wo tano.

(2) Ku yisa hi poso yo rhijistariwa hi ku landza xiyengenyana xa (1) ku fanela ku tekiwa ku va ku endliwile hi siku ra vukhume endzhaku ka siku leri ri gandliweke ehenhla ka rhisiti ro rhijistara leri ri humesiweke hi va poso leyi yi nga amukela xitiviso.

(3) Setifikheti leyi yi humesiweke hi mutirhela-tiko loyi a nga humesa xitiviso lexi xi vuriwaka eka xiyengenyana xa (1) kumbe hi munhu loyi a nga nandza eka mutirhela-tiko wo tano lexi vulaka nkarhi, ndhawu ni ndlela ya mahumesiwele ya xitiviso xo tano, xi fanela ku va vumbhoni bya leswaku xitiviso xo tano xi humesiwile hi mfanelo handle ka loko na ku fikela loko leswi hambaneke na swona swi kombisiwile.

Ku boheka ka Tiko

39. Nawu lowu wu fanela ku boha Tiko ni munhu wihi ni wihi la nga entirhweni wa Tiko: Ku ri leswaku Xirho xa Huvonkulu, hi xitiviso eka *Gazete ya Xifundzankulu*, xi nga ha ntshuxa Tiko kumbe ndzawulo yihi ni yihi ya rona kumbe munhu wihi ni wihi wo tano eka kungu rihi ni rihi ra Nawu lowu, ku ya hi swipimelo tanihi laha Xirho xa Huvonkulu xi nga ha bohaka hakona.

Milandzu na minxupulo

40. (1) Munhu wihi ni wihi loyi a tlulaka kumbe ku tsandzeka ku landzelela kungu rihi ni rihi ra Nawu lowu kumbe xileriso, xipimelo, xikoxo, xiboho, xilaveko, ntwanano kumbe xikombelo ehansi ka wona u na nandzu wo tlula nawu.

(2) Munhu wihi ni wihi loyi a voniweke nandzu hi ku landza xiyengenyana xa (1) xi hlayiwa swin'we ni xiyenge xa 11(1) a nga langutana na ku rihisiwa kumbe ku pfaleriwa nkarhi lowu wu nga tluriki malembe manharhu.

(3) Munhu wihi ni wihi loyi a voniweke nandzu hi ku landza kungu rihi ni rihi rin'wana ra Nawu lowu a nga langutana na ku rihisiwa kumbe ku pfaleriwa nkarhi lowu wu nga tluriki lembe rin'we.

(4) Handle ka ku kanetana ni xilo xihi ni xihi lexi xi kumekaka endzeni ka nawu wihi ni wihi khoto ya majistarata yi na yona mfanelo yo veka nxupulo lowu wu kunguhatiweke eka Nawu lowu.

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