



NORTHERN PROVINCE
NOORDELIKE PROVINSIE
XIFUNDZANKULU XA N'WALUNGU
PROFENSE YA LEBOA
VUNDU LA DEVHULA

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

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

(Yi rhijistariwile tanihi Nyuziphepha)

(E ngwadisitšwe bjalo ka Kuranta)

(Yo redzhistariwa sa Nyusiphepha)

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Vol. 5	PIETERSBURG, 5 AUGUST 1998 5 AUGUSTUS 1998 5 MHAWURI 1998 5 AGOSTOSE 1998 5 THANGULE 1998	No. 354
Extraordinary Ku katsa na Tigazete to Hlawuleka hinkwato	Go hlakantšhwa le Dikuranta dišele	Buitengewoon Hu tshi katelwa na Gazethe dza nyingo

(3) In respect of the exercise and performance of its functions and powers, the members of the Board shall be collectively accountable to the Provincial Legislature, and shall submit a written report to the Legislature at least once every year.

Constitution of Board

4. (1) The Board shall consist of—

- (a) the Speaker;
- (b) the Deputy Speaker;
- (c) the Chairperson of Committees;
- (d) the Leader of the House;
- (e) the Secretary; and
- (f) at least two members appointed by resolution of a special majority of two thirds of the Provincial Legislature: Provided that two members of the Board shall be members of different minority parties.

(2) Subject to the provisions of subsection (3), a Board member appointed in terms of paragraph (f) of subsection (1) shall cease to be a member of the Board if—

- (a) he or she ceases to be a member of the Legislature;
- (b) his or her appointment is withdrawn by the Legislature;
- (c) he or she resigns in writing; or
- (d) he or she is unable, for any other reason, to continue serving as a Board member.

(3) If the Legislature is dissolved or its term expires, the Board shall continue to function and a board member shall remain a member of the Board until the new Legislature is convened after a general election and appoint its office-bearers whereafter the Member of the Board shall be reconstituted as contemplated in subsection (1).

Chairperson

5. (1) The Speaker shall be the Chairperson of the Board, and whenever he or she is absent, the Deputy Speaker shall act as Chairperson, and whenever both are absent, the Chairperson of Committees shall act as Chairperson.

(2) Notwithstanding anything to the contrary contained in this Act, the Speaker shall in between consecutive meetings of the Board perform all the functions and exercise all the powers conferred on the Board by the Act: Provided that such performance of functions by the Speaker shall be referred and considered by the Board at its first meeting after such performance.

Vacancy

6. Whenever a vacancy occurs on the Board, it shall be filled, if the Legislature is—

- (a) in session, within five working days; and
- (b) not in session, within five working days after commencement of the next ensuing session.

Procedure of Board

7. (1) Subject to the provisions of this section, the Board may regulate its proceedings and perform its functions in such a manner as it may deem fit.

(2) Meetings of the Board shall be held at such times and such places as the Chairperson may from time to time determine.

(3) The Chairperson or any three Board members may at any time call a special meeting of the Board.

(4) At any meeting of the Board a quorum shall consist of four members.

(5) Subject to subsection (4), any action or decision taken by the Board shall not be invalid solely on account of the absence of a Board member or a vacancy on the Board.

(6) In order to achieve the objective of this Act and in the spirit of providing effective services to the Provincial Legislature, the Board shall operate in a manner that strives to reach consensus.

(7) In absence of consensus, the matter shall be decided by a majority vote.

Functions and powers of Board

8. (1) The Board shall—

- (a) determine the size and organisation of the fixed establishment;
- (b) after consultation with the relevant committee of the Legislature, where deemed necessary, determine the services to be provided by the Service and establish the necessary structure for the provision of the said services;
- (c) supervise the provision and administration of the services;
- (d) determine—
 - (i) the remuneration and other conditions of services;
 - (ii) the conditions of retirement and the retention of services;
 - (iii) the conditions of discharge; and
 - (iv) the rules governing the investigation of a charge of misconduct of employees in the service;
- (e) institute department for the Service and increase or reduce the number of departments and organise them into sections and sub-sections;
- (f) make such arrangements for and in connection with the division, amalgamation or abolition of any department, section, sub-section as it may deem expedient;
- (g) perform any other functions conferred or imposed on it by resolutions of the Legislature;
- (h) negotiate with employees or representatives of employees organisations; and
- (i) consider any matter referred to it.

(3) In respect of the exercise and performance of its functions and powers, the members of the Board shall be collectively accountable to the Provincial Legislature, and shall submit a written report to the Legislature at least once every year.

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- (b) after consultation with the relevant committee of the Legislature, where deemed necessary, determine the services to be provided by the Service and establish the necessary structure for the provision of the said services;
- (c) supervise the provision and administration of the services;
- (d) determine—
 - (i) the remuneration and other conditions of services;
 - (ii) the conditions of retirement and the retention of services;
 - (iii) the conditions of discharge; and
 - (iv) the rules governing the investigation of a charge of misconduct of employees in the service;
- (e) institute department for the Service and increase or reduce the number of departments and organise them into sections and sub-sections;
- (f) make such arrangements for and in connection with the division, amalgamation or abolition of any department, section, sub-section as it may deem expedient;
- (g) perform any other functions conferred or imposed on it by resolutions of the Legislature;
- (h) negotiate with employees or representatives of employees organisations; and
- (i) consider any matter referred to it.

(2) The Board may give directives—

(a) regarding—

- (i) the requirements as to the age of persons, and the educational, language and other qualifications to be possessed by them for purposes of appointment, transfer or promotion in or to the Service; and
- (ii) the classes of posts and positions in respect of which, the circumstances under which and the conditions on which the Secretariat or any employee to whom the Secretariat has delegated the power of appointment, transfer or promotion, may require qualifications other than those contemplated in subsection (i).

(b) regarding the health requirements to which a person shall conform before he or she may be appointed as an employee;

(c) regarding the security requirements with which employees shall comply with whenever it considers it necessary;

(d) regarding the training employees have to undergo;

(e) regarding information technology; and

(f) regarding any other matters not specifically provided for in this Act, relating to or arising out of personnel practices as well as the employment and other career incidents of and the conditions of service generally of employees in the Service: Provided that such directive shall not be inconsistent with this Act.

Delegation of functions and powers of Board

9. (1) The Board may, subject to such conditions as it may determine, assign or delegate in writing any function or power conferred or imposed on it by or under this Act or by the Legislature, to a Board member or to the Secretary or to any other employee.

(2) Any such assignment or delegation shall be revocable in writing and shall not preclude the Board from itself performing or exercising the function concerned, as the case may be.

(3) The person to whom such a function is delegated or assigned shall not incur any costs in connection with the performance of a function or power assigned or delegated to him or her unless the function to incur costs is expressly so stipulated in the assignment or delegation.

Special Assistance

10. The Board may from time to time appoint a competent person or persons to advise it on such matters within the scope of its functions and powers as it deems necessary.

Annual Report

11. The Board shall not later than three months after the end of each year table a report referred to in subsection (3) of clause 3 before the Legislature.

CHAPTER 3**MANAGEMENT OF SERVICE****Appointment of Secretary, Deputy Secretaries and Heads**

12. (1) The Board shall—

- (a) nominate a person to be appointed as Secretary by the Legislature;
- (b) whenever it deems it necessary, appoint a Deputy Secretary or an Acting Secretary of the Service; and
- (c) appoint a person as a head of department or section of the Service.

(2) The Secretary shall have responsibility to—

- (a) provide assistance to the Provincial Legislature in conducting its proceedings, procedures, and business and to enforce its rules and orders of the Speaker;
- (b) provide administrative services to the Speaker and other members of the Provincial Legislature; and
- (c) manage the Secretariat.

Establishment of Secretariat

13. (1) There is hereby established a Secretariat which shall consist of—

- (a) the Secretary;
- (b) the Deputy Secretaries and the Senior Legal Advisor; and
- (c) such other additional member or members as the Board may from time to time determine within the fixed establishment.

(2) The Secretariat shall perform the functions assigned to or conferred upon it in terms of this Act or directives given by the Board.

(3) The Secretary shall present to the Board a report of the work of the Secretariat at such periodic intervals and in such form as the Board may determine.

Chairperson and Acting Chairperson of the Secretariat

14. (1) The Secretary shall be the Chairperson of the Secretariat.

(2) Whenever the Secretary is absent or is unable to perform his or her functions, one of the Deputy Secretaries or the Senior Legal Advisor shall act as Chairperson.

Procedure

15. Subject to the provisions of this Act and any directive that may be given by the Board, the Secretariat shall regulate its proceedings and perform its functions in such a manner as it may deem fit.

CHAPTER 4**ORGANISATION AND STAFF****Departments and heads of departments**

16. (1) For the purposes of the administration of the Service there shall be departments determined by the Board in terms of section 8(1)(e).

(2) Each department shall have a head who as an employee shall be the incumbent of the post in the fixed establishment.

(3) A head of department shall be responsible for the efficient management and administration of his or her department including the effective utilisation and training of staff, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of property of the Legislature, and he or she shall perform the functions that may be prescribed by the Board from time to time.

Appointment, promotion, transfer and termination of service

17. (1) The appointment of any person or the promotion or transfer of any employee and the conditions of service of employees shall be made by the Secretary on the recommendation of the head of department.

(2) Appointments, promotions and transfers in the Service shall be made in such a manner and on such conditions as may be prescribed by the Board.

Other work by employees

18. Unless it is otherwise provided for in his or her conditions of employment—

- (a) every employee shall place the whole of his or her working time at the disposal of the Service;
- (b) no employee who is employed permanently on the fixed establishment shall perform or engage himself or herself to perform remunerative work outside his or her employment in the Service, without permission granted by the Board; and
- (c) no employee may claim any additional remuneration in respect of any official duty or work which he or she performs voluntarily or is required by a competent authority to perform.

CHAPTER 5

FINANCIAL ARRANGEMENTS IN RESPECT OF SERVICE

Moneys for Service

19. (1) The control of the expenditure and the appropriation of moneys for the Service shall be vested in the Speaker.

(2) Subject to the provisions of this Act, and unless otherwise directed by the Board, the Secretary shall be the Accounting Officer charged with the collection, receipt, custody and payment of moneys for the Service, as well as the receipt, custody and control of property acquired for the administration of the Legislature.

(3) The Secretary shall requisition the moneys required for the Service from the Provincial Treasury.

Procurement of Service and Supplies

20. (1) In consultation with the Standing Committee responsible for financial affairs the Board may—

- (a) constitute an Internal Supplies Committee for procurement of the services and supplies for the Legislature;
- (b) determine the size, structure and duration of the Internal Supplies Committee;
- (c) determine the procedures to be followed by the Internal Supplies Committee in procuring the required services and supplies; and
- (d) determine the terms, conditions and other specification of the procurement contracts:

Provided that the system used by the Committee shall be fair, equitable, transparent, competitive and cost-effective.

(2) Any constitution of an Internal Supplies Committee in terms of subsection (1) shall be tabled in the Legislature for approval.

Applicability of the provisions of the Exchequer Act 1975 (Act No. 66 of 1975)

21. The provisions of sections 7, 14, 33 and 34 of the Exchequer Act, 1975 (Act No. 66 of 1975), and no other provisions of Chapter I, II, III and V of that Act, shall *mutatis mutandis* apply in respect of the services, vote, accounts, moneys and property of the Legislature, and in such application—

- (a) any reference in section 14, 33 and 34, to an accounting officer shall be deemed to be a reference to the Secretary;
- (b) any reference in section 33(1)(c) to the Treasury shall be deemed to be a reference to the Speaker; and

- (c) any reference in section 34 to a person who is or was in the employ of a department, shall be deemed to be a reference to a person who is or was in the employ of the Legislature.

Estimates of expenditure

22. (1) The Board shall for every financial year prepare an estimate of expenditure for the Service to be defrayed from the Provincial Revenue Fund and shall, whenever necessary, prepare and adjusted estimate to be so defrayed.

(2) An estimate contemplated in subsection (1) shall be prepared through a budgetary process that ensures transparency, accountability and effective financial management of the economy, debt and the public sector, and in terms of national legislation referred to in subsection (1) of section 216 of the Constitution or the Exchequer Act, 1975 (Act No. 66 of 1975), if such national legislation has not yet been enacted.

(3) An estimate prepared in terms of this section shall be transmitted to the member of the Executive Council in charge of Finance for consideration in accordance with a procedure which is in line with the provisions of section 214(1) of the Constitution and the normal budgetary process.

Duration of Appropriation Act and expenditure in financial year

23. (1) An Appropriation Act for the Service shall not be so construed as to authorise the utilisation of moneys appropriated thereby in a financial year other than the financial year to which it expressly relates.

(2) Subject to the provisions of section 22 expenditure shall in each financial year be incurred in accordance with standing statutory appropriations for the Service and, in respect of each vote, in accordance with the main divisions thereof, the particulars of which shall be contained in the estimate of expenditure and any adjustments estimate for the Service.

(3) Expenditure of the Service in respect of which no or insufficient provision has been made in an Appropriation Act shall not be brought to account as a final debt against a vote, unless—

- (a) in the case of insufficient provision, the Speaker has under the power conferred upon him or her by section 24(1), given prior approval for a saving under any main division of the vote concerned being applied towards such expenditure; or
- (b) the Board has granted a written authority under signature of the Speaker therefor beforehand in terms of section 25.

Utilisation of savings in certain circumstances

24. (1) The Speaker may, unless the Board directs otherwise, approve that a saving under a main division of a vote in an Appropriation Act for the Services be applied towards the defrayment of excess expenditure under another main division, or of expenditure under a new main division of the same vote: Provided that amounts appearing in "Column 2" of a schedule to such an appropriation Act in respect of the said vote shall not be exceeded and the savings thereon shall not be applied for a purpose other than that for which the money was granted as indicated in such a schedule.

(2) The amounts appearing in respect of any specific vote for the Service shall, subject to the provisions of section 25(1)(b)(ii), not be exceeded, and savings thereon may, with the approval of the Board, be applied toward the defrayment of any other expenditure for which insufficient appropriation has been made under such vote.

(3) An amount appearing in respect of any specific vote for the Service may be increased with such a portion of moneys appropriated for the main vote: Improvement of Conditions of Service in a schedule to the Appropriation Act for the services of the State as the accounting officer of that vote, in consultation with the accounting officer, contemplated in section 26(1), may determine.

Authority by Board for utilisation of moneys in certain circumstances

25. (1) Notwithstanding the provisions of sections 21 and 24, the Board may, with the approval of the Member of the Executive Council in charge of Finance, grant written authority for moneys in the Provincial Revenue Fund to be utilised during a financial year—

- (a) to defray expenditure of an exceptional nature which has not been provided for in an Appropriation Act and which cannot without serious prejudice to the public interest be postponed until appropriation therefor can be made by the Legislature; or
- (b) to defray—
 - (i) expenditure in connection with an expected excess on a vote which cannot without serious prejudice to the public interest be postponed until appropriation therefor can be made by the Legislature; and
 - (ii) expenditure in connection with an expected excess of an amount referred to in an Appropriation Act as a subvote:

Provided that the total amount in respect of which authority may be granted in terms of this subsection shall not at any time exceed an amount equal to two per cent of the total amount appropriated by the then current Appropriation Act.

(2) The Board shall take steps, not later than during the ensuing annual session of the Legislature, for the appropriation of any amounts which have been or will be utilised in terms of subsection (1).

Secretary's functions and duties

26. (1) Subject to the provisions of this Act, and unless otherwise directed by the Board in respect of a particular vote, the Secretary shall be the accounting officer as contemplated in section 19(2).

(2) The Secretary shall be accountable to the Board for the expenditure and appropriation of moneys.

(3) The Secretary shall keep proper record of all moneys received and paid out by him or her, and of all relevant financial transactions.

(4) The Secretary shall open and maintain at a bank registered under the Banks Act, 1990 (Act No. 94 of 1990), and approved by the Board, an account into which shall be deposited all moneys received by him or her for and on behalf of the service, and from which account payments shall be made for and on behalf of the Service, as contemplated in this Act.

(5) The Secretary shall sign, or may authorise in writing a person or persons in the employ of the Service to sign, the necessary cheques for payments from the bank account contemplated in subsection (4).

(6) Within two months after the end of a financial year, the Secretary shall surrender to the Treasury for redepositing in the Exchequer Account, any unexpected balance of moneys received from the Treasury.

(7) Within two months after the end of each financial year, the Secretary shall cause statements of accounts to be prepared showing in detail the moneys for and on behalf of the Service, received by him or her, and the expenditure incurred by him or her during the financial year in question.

Audit of Appropriation Accounts

27. The accounts of the Legislature shall be investigated, examined and audited by the Auditor-General in terms of the Auditor General Act, 1995 (Act No. 12 of 1995), and in carrying out of such an audit the references to an accounting officer and to persons in the public service shall be deemed to be references to the Secretary and to persons in the employ of the Legislature, respectively.

Unauthorised expenditure

28. Unauthorised expenditure regarding the accounts of the Service, as contemplated in the Exchequer Act, 1975 (Act No. 66 of 1975), shall be dealt with in accordance with the provisions of the Act.

CHAPTER 6

GENERAL

Limitation of Legal proceedings

29. (1) No legal proceedings shall be instituted against the Board, the Secretariat or any employee in the Service in respect of any alleged act committed in terms of this Act, or any alleged omission to do anything which should have been done in terms of this Act, unless such proceedings are instituted before the expiry of a period of twelve calendar months after the date upon which the claimant had knowledge, or after the date on which the claimant might reasonably have been expected to have knowledge of the alleged act or omission, whichever is the earlier date.

(2) No such legal proceedings shall be instituted before the expiry of at least one calendar month after a written notification was served on the defendant in which notification particulars as to the alleged act or omission shall be given of the intention to institute such proceedings.

(3) Subsection (1) and (2) shall not be so construed as to preclude a court of law from dispensing with the requirements or prohibitions of the said subsections where it is in the interest of justice.

(4) The State Liability Act, 1957 (Act No. 20 of 1957), shall apply *mutatis mutandis* in so far as it is applicable in respect of the Board, and in such application a reference in that Act to the Minister of the department concerned shall be construed as a reference to the Chairperson of the Board.

(5) Whenever any person is conveyed in or makes use of any vehicle, aircraft or vessel which is the property of the Service or the State, the Board or an employee in the Service shall not be liable to such person or his or her spouse, parent, child or other dependant for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in any way connected with the conveyance in or the use of such vehicle, aircraft or vessel, unless such person is so conveyed or makes use thereof in the interest of, or in the performance of the functions of the Service: Provided that the provisions of this subsection shall not affect the liability of an employee in the service will fully cause the said loss or damage.

Insurance against loss or damage

30. The Board may insure the Service against any loss, damage, risk or liability which it may suffer or incur as a result of the performance of its duties or the exercise of its powers.

Transitional provision

31. Anything done for and on behalf of the Service and any person or persons appointed to the staff of the Legislature before the commencement of this Act shall be deemed to have been done or appointed in terms of the provisions of this Act.

Short title and commencement

32. This Act shall be called the Northern Province Legislature Service Act, 1997, and shall come into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 16**5 Mhawuri 1998**

Ku tivisiwa leswaku Holobyenkulu u pfumelerile Nawu lowu wu landzelaka lowu laha wu tivisiwaka leswaku wu ta tiviwa hi mani na mani—

No. 3 wa 1997: Nawu wa Xifundzankulu xa N'walungu wa Vutirheli bya Mfumo wa Milawu, 1997.

NAWU

Wo kunguhata ku simekiwa ka vutirheli bya Mfumo wa Milawu, ku simekiwa ka Bodo ya Vutirheli bya Mfumo wa Milawu, Xivumbeko na mafambisele ya Vutirheli, ku bohiwa ka mpimanyeto wa Vutirheli na timhaka leti yelanaka na swona

*(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 10 Mawuwani 1998)*

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

Tinhlamuselo

1. Eka Nawu lowu, handle ka loko matirhisele ya kona ya komba swin'wana—

“Bodo” ri vula Bodo ya Vutirheli bya Mfumo wa Milawu leyi simekiweke hi Xiyenge xa 3;

“hakelo” ri vula ntsengo wa tihakelo leti hakeriwaka eka muthoriwa, naswona ti fanele ku katsa muholo wa xiviri, xiengetelo xa hakelo kumbe tihakelo tin'wana, nhlengo wa Vutirheli eka phenxeni na xipfuno xa vutshunguri na swipfuno swihi na swihi swin'wana;

“Hofisi ya Matsalani” swi vula Hofisi ya Matsalani leyi simekiweke hi ku landza xiyenge xa 13;

“Komiti ya Nkarhi Hinkwawo ya Yindlu” swi vula komiti ya nkarhi hinkwawo leyi vuriwaka eka Milawu ya Makanelele ya Mfumo wa Milawu wa Xifundzankulu.

“Iembe-ximali” ri vula nkarhi lowu kokaka ku sukela hi Dzivamisoko elembeni rihi na rihi ku fikela 31 Nyenyankulu eka lembe leri landzelaka;

“Matsalani” ri vula Matsalani wa Mfumo wa Milawu loyi a thoriweke eka xiyimo lexi hi Mfumo wa Milawu;

“Murhangeri wa Yindlu” swi vula xirho lexi xi thoriweke hi Mfumo wa Milawu wa Xifundzankulu hi swikongomelo swa xiyenge xa 4(1);

"Museketeri wa Xipikara" swi vula Museketeri wa Xipikara xa Mfumo wa Milawu wa Xifundzankulu loyi a hlawuriweke hi ku landza xiyenge xa III xa Vumbiwa;

"Muthoriwa" ri vula munhu wihi na wihi loyi a tholeriweke swa nkarhi hinkwawo eka xikatsanyeta-mintirho lexi vekiweke kumbe loyi a thoriweke swa nkarhinyana kumbe eka xiyimo xa vutsundzuxi hambi eka xiyimo xa nkarhi hinkwawo kumbe xa nkarhinyana.

"Mutshami wa Xitulu wa Tikomiti" swi vula xirho lexi xi hlawuriweke hi ku landza Milawu ya Makanelele ya Mfumo wa Milawu wa Xifundzankulu xa N'walungu ku va Mutshami wa Xitulu wa vatshami va xitulu va tikomiti hinkwato ta Mfumo wa Milawu wa Xifundzankulu;

"Nkwama wa Mali ya Tiko wa Xifundzankulu" swi vula Nkwama wa Mali ya tiko wa Xifundzankulu hi tlhelo ra Xifundzankulu lowu simekiweke hi xiyenge xa 226(1) xa vumbiwa;

"Vumbiwa" ri vula Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996);

"Vutirheli" ri vula vutirheli bya Mfumo wa Milawu lebyi simekiweke hi ku landza xiyenge xa 2;

"xikatsanyeta-mintirho lexi vekiweke" swi vula mintirho/tiposo leti tumbuluxiweke hi tlhelo ra swilaveko swa ntolovelolo ni swa masiku hinkwawo swa Vutirheli;

"Xipikara" ri vula Xipikara xa Mfumo wa Milawu lexi hlawuriweke hi ku landza xiyenge xa III xa Vumbiwa;

"Xirho" ri vula xirho xihi na xihi lexi hlawuriweke xa Mfumo wa Milawu wa Xifundzankulu xa N'walungu;

"Xirho xa Bodo" swi vula munhu loyi a vuriwaka eka xiyenge xa 4(1);

KAVANYISA KA 1

VUTIRHELI BYA MFUMO WA MILAWU

Ku simekiwa ka vutirheli bya Mfumo wa Milawu

2. Hi ku landza Vumbiwa na Milawu ya Makanelele ya Mfumo wa Milawu wa Xifundzankulu, hi xiyenge lexi ku simekiwa Vutirheli bya Mfumo wa Milawu lebyi timfanelonkulu ta byona ku fanelaka ku va ku nyika vutirheli bya mafambisele eka Xipikara na swirho swin'wana swa Mfumo wa Milawu.

KAVANYISA KA 2

BODO YA VUTIRHELI BYA MFUMO WA MILAWU

Ku simekiwa ka Bodo ya vutirheli bya Mfumo wa Milawu

3. (1) Hi xiyenge lexi ku simekiwa Bodo ya Vutirheli bya Mfumo wa Milawu wa Xifundzankulu xa N'walungu leyi yi fanelaka ku va na mintirho na matimba lawa yi nyikiweke wona ehansi ka Nawu lowu kumbe hi xiboho xa Mfumo wa Milawu.

- (d) ku boha—
- (i) hakelo na swipimelo swin'wana swa vutirheli;
 - (ii) swipimelo swo huma entirhweni ni ku hlayisa vutirheli;
 - (iii) swipimelo swo hlongoriwa entirhweni; na
 - (iv) milawu leyi lawulaka vulavisisi bya xihehlo xa matikhomele yo biha ya vathoriwa eka vutirheli.
- (e) ku sungula tindzawulo ta Vutirheli na ku engetela kumbe ku hunguta nhlayo ya tindzawulo no ti kondletela ti va swiyenge na swiyengenyana;
- (f) ku endla mindzulamiso hi mayelana ni ku avanyisiwa, ku hlanganisiwa kumbe ku herisiwa ka ndzawulo yihi na yihi, xiyenge, xiyengenyana tani hilaha swi nga ha voniwaka swi fanerile;
- (g) ku endla ntirho wihi ni wihi wun'wana lowu nyikiweke kumbe ku rhwexiwa eka yona hi swiboho swa Mfumo wa Milawu;
- (h) ku kambisisa mhaka yihi na yihi leyi kongomisiweke eka yona; na
- (i) kambisisa mhaka yihi ni yihi leyi yisiwaka eka yona.
- (2) Bodo yi nga ha nyika swileriso—
- (a) Mayelana ni—
- (i) swilaveko tani hi malembe ya vanhu, ni mimbhumabumelo ya dyondzo, ririmi na yin'wana leyi va fanelaka ku va na yona hi tlhelo ra swikongomelo swa ku thoriwa, ku rhurhisiwa kumbe ku tlakusiwa eka Vutirheli; na
 - (ii) mintlawu ya mintirho/tiposo na swiyimo leswi hi tlhelo ra swona, matshamelo ya timhaka ni swipimelo leswi ehansi ka swona Hofisi ya Matsalani kumbe muthoriwa wihi na wihi loyi Hofisi ya Matsalani yi nga nyiketa matimba yo thola, ku rhurhisa kumbe ku tlakusa, a nga ha lava mimbhumabumelo yin'wana handle ka leyi languteriwaka eka xiyengenyana xa (i).
- (b) swilaveko swa rihanyu leswi munhu a fanelaka ku swi enerisa loko a nga si thoriwa tani hi muthoriwa;
- (c) swilaveko swa vuhlayiseki leswi vathoriwa va fanelaka ku swi enerisa minkarhi hinkwayo loko yi swi vona swi laveka;
- (d) ku leteriwa loku vathoriwa va faneleke ku va na kona;
- (e) timhaka ta thekinoloji; na
- (f) timhaka tihi na tihi tin'wana leti ti nga kunguhatiwangiki hi ku hlawuleka eka Nawu lowu mayelana ni kumbe leti sukelaka eka matirhele ya ta vatirhi xikan'we na ku thola na timhaka tin'wana ta ntirhovutomi na swipimelo swa vutirheli hi ku angarhela bya vathoriwa eka Vutirheli: Ku ri leswaku xilete-lo xexo a xi fanelangi xi nga twanani na Nawu lowu.

Ku nyiketiwa ka mintirho na matimba ya Bodo

9. (1) Bodo, ku ya hi swipimelo tani hilaha yi nga ha bohaka, yi nga ha nyiketa hi ku tsala ntirho wihi na wihi kumbe matimba lawa ya nyikiweke kumbe ku rhwexiwa yona hi kumbe ehansi ka Nawu lowu kumbe hi Mfumo wa Milawu, eka xirho xa Bodo kumbe eka Matsalani kumbe muthoriwa wihi ni wihi un'wana.

(2) Ku nyiketa kwihi na kwihi ku fanela ku tlheriseka hi ku tsala naswona a ku fanelanga ku sivela Bodo eka ku endla ntirho kumbe ku tirhisa matimba ya yona hi yoxe, tani hilaha mhaka yi nga vaka hakona.

(3) Munhu loyi ntirho walowo wu nga nyiketiwa eka yena a nga fanelanga ku vanga tihakelelo tihi na tihi mayelana ni ku endliwa ka ntirho kumbe matimba lawa a nyiketiweke wona handle ka loko ntirho wa ku va ni tihakelelo wu hlamuseriwa swi va erivaleni eka ku nyiketa.

Ku pfuna ko karhi

10. Bodo nkarhi na nkarhi yi nga ha thola munhu la nga na vuswikoti kumbe, vanhu ku yi tsundzuxa hi timhaka leti welaka endzeni ka vukulu bya mintirho ya yona na matimba tani hilaha yi vonaka swi laveka.

Xiviko xa Lembe

11. Bodo yi fanela ku nga si hela tin'hwetitimbirhi endzhaku ka lembe rin'wana ni rin'wana yi andlala xiviko lexi vuriweke eka xivulwananantsongo xa (3) xa Xivulwana xa 3 eka Mfumo wa Milawu.

KAVANYISA KA 3**KU FAMBISIWA KA VUTIRHELI****Ku thoriwa ka Matsalani, Vaseketeri va Matsalani na Tinhloko**

12. (1) Bodo yi fanela—

- (a) ku boxa vito ra munhu la nga ta thoriwa tani hi Matsalani hi mfumo wa Milawu;
- (b) nkarhi hinkwawo loko swi voniwa swi laveka, ku thola Museketeri wa Matsalani kumbe Mukhomeri wa Matsalani wa Vutirheli; na
- (c) ku thola munhu tani hi mufambisi wa ndzawulo kumbe xiyenge xa Vutirheli.

(2) Matsalani u fanela ku va na vutihlamuleri—

- (a) bya ku pfuna Mfumo wa Milawu wa Xifundzankulu ku fambisa makanelele, maendlele na ntirho wa wona na ku landzelerisa milawu ya wona na swileriso swa Xipikara;
- (b) bya vutirheli bya mafambisele eka Xipikara na swirho swin'wana swa Mfumo wa Milawu wa Xifundzankulu; na ku

- (d) ku boha—
- (i) hakelo na swipimelo swin'wana swa vutirheli;
 - (ii) swipimelo swo huma entirhweni ni ku hlayisa vutirheli;
 - (iii) swipimelo swo hlongoriwa entirhweni; na
 - (iv) milawu leyi lawulaka vulavisisi bya xihehlo xa matikhomele yo biha ya vathoriwa eka vutirheli.
- (e) ku sungula tindzawulo ta Vutirheli na ku engetela kumbe ku hunguta nhlayo ya tindzawulo no ti kondletela ti va swiyenge na swiyengenyana;
- (f) ku endla mindzulamiso hi mayelana ni ku avanyisiwa, ku hlanganisiwa kumbe ku herisiwa ka ndzawulo yihi na yihi, xiyenge, xiyengenyana tani hilaha swi nga ha voniwaka swi fanerile;
- (g) ku endla ntirho wihi ni wihi wun'wana lowu nyikiweke kumbe ku rhwexiwa eka yona hi swiboho swa Mfumo wa Milawu;
- (h) ku kambisisa mhaka yihi na yihi leyi kongomisiweke eka yona; na
- (i) kambisisa mhaka yihi ni yihi leyi yisiwaka eka yona.
- (2) Bodo yi nga ha nyika swileriso—
- (a) Mayelana ni—
- (i) swilaveko tani hi malembe ya vanhu, ni mimbhumabumelo ya dyondzo, ririmi na yin'wana leyi va fanelaka ku va na yona hi tlhelo ra swikongomelo swa ku thoriwa, ku rhurhisiwa kumbe ku tlakusiwa eka Vutirheli; na
 - (ii) mintlawa ya mintirho/tiposo na swiyimo leswi hi tlhelo ra swona, matshamelo ya timhaka ni swipimelo leswi ehansi ka swona Hofisi ya Matsalani kumbe muthoriwa wihi na wihi loyi Hofisi ya Matsalani yi nga nyiketa matimba yo thola, ku rhurhisa kumbe ku tlakusa, a nga ha lava mimbhumabumelo yin'wana handle ka leyi languteriwaka eka xiyengenyana xa (i).
- (b) swilaveko swa rihanyu leswi munhu a fanelaka ku swi enerisa loko a nga si thoriwa tani hi muthoriwa;
- (c) swilaveko swa vuhlayiseki leswi vathoriwa va fanelaka ku swi enerisa minkarhi hinkwayo loko yi swi vona swi laveka;
- (d) ku leteriwa loku vathoriwa va faneleke ku va na kona;
- (e) timhaka ta thekinoloji; na
- (f) timhaka tihi na tihi tin'wana leti ti nga kunguhatiwangiki hi ku hlawuleka eka Nawu lowu mayelana ni kumbe leti sukelaka eka matirhele ya ta vatirhi xikan'we na ku thola na timhaka tin'wana ta ntirhovutomi na swipimelo swa vutirheli hi ku angarhela bya vathoriwa eka Vutirheli: Ku ri leswaku xilete-lo xexo a xi fanelangi xi nga twanani na Nawu lowu.

Ku nyiketiwa ka mintirho na matimba ya Bodo

9. (1) Bodo, ku ya hi swipimelo tani hilaha yi nga ha bohaka, yi nga ha nyiketa hi ku tsala ntirho wihi na wihi kumbe matimba lawa ya nyikiweke kumbe ku rhwexiwa yona hi kumbe ehansi ka Nawu lowu kumbe hi Mfumo wa Milawu, eka xirho xa Bodo kumbe eka Matsalani kumbe muthoriwa wihi ni wihi un'wana.

(2) Ku nyiketa kwihi na kwihi ku fanela ku tlheriseka hi ku tsala naswona a ku fanelanga ku sivela Bodo eka ku endla ntirho kumbe ku tirhisa matimba ya yona hi yoxe, tani hilaha mhaka yi nga vaka hakona.

(3) Munhu loyi ntirho walowo wu nga nyiketiwa eka yena a nga fanelanga ku vanga tihakelelo tihi na tihi mayelana ni ku endliwa ka ntirho kumbe matimba lawa a nyiketiweke wona handle ka loko ntirho wa ku va ni tihakelelo wu hlamuseriwa swi va erivaleni eka ku nyiketa.

Ku pfuna ko karhi

10. Bodo nkarhi na nkarhi yi nga ha thola munhu la nga na vuswikoti kumbe, vanhu ku yi tsundzuxa hi timhaka leti welaka endzeni ka vukulu bya mintirho ya yona na matimba tani hilaha yi vonaka swi laveka.

Xiviko xa Lembe

11. Bodo yi fanela ku nga si hela tin'hwetitimbirhi endzhaku ka lembe rin'wana ni rin'wana yi andlala xiviko lexi vuriweke eka xivulwananantsongo xa (3) xa Xivulwana xa 3 eka Mfumo wa Milawu.

KAVANYISA KA 3**KU FAMBISIWA KA VUTIRHELI****Ku thoriwa ka Matsalani, Vaseketeri va Matsalani na Tinhloko**

12. (1) Bodo yi fanela—

- (a) ku boxa vito ra munhu la nga ta thoriwa tani hi Matsalani hi mfumo wa Milawu;
- (b) nkarhi hinkwawo loko swi voniwa swi laveka, ku thola Museketeri wa Matsalani kumbe Mukhomeri wa Matsalani wa Vutirheli; na
- (c) ku thola munhu tani hi mufambisi wa ndzawulo kumbe xiyenge xa Vutirheli.

(2) Matsalani u fanela ku va na vutihlamuleri—

- (a) bya ku pfuna Mfumo wa Milawu wa Xifundzankulu ku fambisa makanelele, maendlele na ntirho wa wona na ku landzelerisa milawu ya wona na swileriso swa Xipikara;
- (b) bya vutirheli bya mafambisele eka Xipikara na swirho swin'wana swa Mfumo wa Milawu wa Xifundzankulu; na ku

(c) fambisa Hofisi ya Matsalani.

Ku simekiwa ka Hofisi ya Matsalani

13. (1) Hi xiyenge lexi ku simekiwa Hofisi ya Matsalani leyi fanelaka ku va:

(a) Matsalani;

(b) Vaseketeri va Matsalani, na Mutsundzuxinkulu wa Nawu; na

(c) Xirho xin'wana xo engetela kumbe swirho tani hilaha Bodo yi nga ha bohaka hakona nkarhi na nkarhi.

(2) Hofisi ya Matsalani yi fanela ku endla mintirho leyi nyiketiweke kumbe leyi nyikiweke yona hi ku landza Nawu lowu kumbe swiletelo leswi nyikiweke hi Bodo.

(3) Matsalani u fanela ku andlala eka Bodo xiviko xa ntirho wa hofisi ya matsalani endzhaku ka minkarhi yo siyerisana na hi xivumbeko tani hilaha Bodo yi nga ha bohaka.

Mutshami wa Xitulu na Mukhomeri wa Mutshami wa Xitulu wa Hofisi ya Matsalani

14. (1) Mutshami wa Xitulu u fanela ku va Mutshami wa Xitulu wa Hofisi ya Matsalani.

(2) Nkarhi hinkwawo loko Matsalani a xwile kumbe a nga koti ku endla mintirho ya yena, un'wana wa Vasekeri va Matsalani kumbe Mutsundzuxinkulu wa Nawu u fanela ku khomela tani hi Mutshami wa Xitulu.

Maendlele

15. Ku ya hi makungu ya nawu lowu na xiletelo xihi na xihi lexi xi nga ha nyikiwaka hi Bodo, Hofisi ya Matsalani yi fanela ku lawula makanelele ya yona ka ku endla mintirho ya yona hi mukhuva lowu yi nga ha vonaka swi fanerile.

KAVANYISA KA 4

XIVUMBeko NA VATIRHI

Tindzawulo na vafambisi va tindzawulo

16. (1) Hi tlhelo ra swikongomelo swa mafambisele ya Vutirheli ku fanela ku va na tindzawulo leti nga ta bohiwa hi Bodo hi ku landza xiyenge xa 8(1)(e).

(2) Ndzawulo yin'wana ni yin'wana yi fanela ku va na mufambisi loyi tani hi muthoriwa a fanelaka ku va mukhomi wa ntirho eka xikatsanyeta-mintirho lexi vekiweke.

(3) Mufambisi wa ndzawulo u fanela ku va na vutihlamuleri bya ku fambisa loku nyawulaka na mafambisele ya ndzawulo ya yena ku katsa na matirhisele lawa ya faneleke na ku leteriwa ka vatirhi, ku hlayisa xichavo, ku yisa emahlweni vuxaka bya vatirhi na matirhisele lamanene na ku hlayisa nhundzu ya Mfumo wa Milawu, naswona yena u fanela ku endla mintirho leyi nga ha vekiwaka hi Bodo nkarhi na nkarhi,

Ku thoriwa, ku tlakusiwa, ku rhurhisiwa na ku hlerisiwa ka vutirheli

17. (1) Ku thoriwa ka munhu wihi na wihi kumbe ku tlakusiwa kumbe ku rhurhisiwa ka muthoriwa wihi na wihi na swipimelo swa vutirheli swa vathoriwa swi fanela ku endliwa hi Matsalani hi ku landza swibumabumelo swa mufambisi wa ndzwawulo.

(2) Ku thoriwa, ku tlakusiwa na ku rhurhisiwa eka Vutirheli swi fanela ku endliwa hi mukhuva ni hi swipimelo tani hilaha swi nga ha vekiwaka hi Bodo.

Ntirho wun'wana hi vathoriwa

18. Handle ka loko ku kunguhatiwile hi mukhuva wun'wana hi tlhelo ra swipimelo swa yena swo thoriwa—

- (a) muthoriwa un'wana na un'wana u fanela ku nyiketa nkarhi wa yena hinkwawo wo tirha eka Vutirheli;
- (b) ku hava muthoriwa loyi a nga thoriwa swa nkarhi hinkwawo eka xikatsanyeta-mintirho lexi vekiweke a fanelaka ku endla kumbe ku tinghenisa eka ku tirha ntirho lowu hakelaka ehandle ka ku thoriwa ka yena eka Vutirheli, handle ka mpfumelelo lowu wu nyikiweke hi Bodo; naswona
- (c) ku hava muthoriwa loyi a nga ha londzaka hakelo yin'wana hi tlhelo ra mfanelo yihi na yihi ya ximfumo kumbe ntirho lowu yena a wu tirhaka hi ku tinyiketa kumbe a laviwaka hi vulawuri lebyi faneleke ku va a wu tirha.

KAVANYISA KA 5**MINDZULAMISO YA TIMALI HI TLHELO RA VUTIRHELI****Timali ta Vutirheli**

19. (1) Vulawuri bya tihakelelo na bya timali hi tlhelo ra Vutirheli byi haverisiwile Xipikara.

(2) Ku ya hi makungu ya Nawu lowu, handlekaloko swi lerisiwe hi ndlela yin'wana hi Bodo, Matsalani u fanela ku va Mutirhela-tiko wa Tinkota la nga rhwexiwa ku hlengeleta, ku amukela, ku hlayisa ni ku hakela timali ta Vutirheli, ku katsa ni ku amukela, ku hlayisa ni ku lawula nhundzu leyi kumiweke eka mafambisele ya Mfumo wa Milawu.

(3) Matsalani u fanela ku kombela timali leti lavekaka ta Vutirhela ku suka eka va Nkwama va Xifundzankulu.

Makumele ya Vutirheli na Mphakelo

20. (1) Hi ku tsundzuxana na Komiti ya Nkarhi hinkwawo leyi nga ni vutihlamuleri eka timhaka ta swatimali Bodo yi nga ha—

- (a) vumba Komiti ya Mphakelo ya le Ndzeni yo kuma mpahla ya mintirho na mphakelo eka Mfumo wa Milawu;
- (b) boha sayizi, xivumbeko ni nkarhi wa Komiti ya Mphakelo ya le Ndzeni eku kumeni ka vutirheli na mphakelo;

- (c) boha maendlelo lawa ya nga landzeleriwa hi Komiti ya Mphakelo ya le Ndzeni eku kumeni ka mintirho leyi lavekaka na mphakelo; na
- (d) ku boha minkarhi, swiyimo na swilaveko swin'wana swa tinkotiraka ta makumele ya mpahla:

Ku ri leswaku sisteme leyi nga tirhisiwa hi Komiti yi fanele ku va kahle, leyi ringanelaka, leyi nga rivaleni, leyi ku phikizaniswaka, no ka yi nga durhi.

(2) Vumbiwa rihi ni rihi ra Komiti ya Mphakelo wa le Ndzeni hi ku landza xiyengenyana xa 2 ri fanela ri andlariwa eka Mfumo wa Milawu wa Xifundzankulu ku va ri pfumeleriwa.

Matirhele ya makungu ya Nawu wa Nkwama, 1975 (Nawu wa 66 wa 1975)

21. Makungu ya 7, 14, 33 na 34 ya Nawu wa Nkwama, 1975 (Nawu wa 66 wa 1975), naswona ku nga ri na makungu man'wana ya Kavanyisi ka I, II, III na V ka Nawu wolowo, ya fanele ku tirha *mutatis mutandis* hi mayelana ni vutirheli, vhoti, tinkota, timali na nhundzu ya Mfumo wa Milawu, naswona eka ku tirha ko tano—

- (a) xihhi ni xihhi lexi vuriwaka eka swiyenge swa 14, 33 na 34 eka mutirhela-tiko wa tinkota swi fanele ku tekiwa swi ri leswi kongomisiweke eka Matsalani;
- (b) xihhi ni xihhi lexi vuriwaka eka Xiyenge xa 33(1)(c) xi kongomisiwe eka va Nkwama xi fanele ku tekiwa xi kongomisiwe eka Xipikara; na
- (c) xihhi ni xihhi lexi vuriwaka eka Xiyenge xa 34 eka munhu loyi a nga kumbe a thoriwe hi ndzawulo, xi fanele ku tekiwa xi kongomisiwe eka munhu loyi a nga kumbe loyi a thoriwe hi Mfumo wa Milawu.

Mimpimanyeto ya tihakelelo

22. (1) Bodo, hi tlhelo ra lembe-ximali rin'wana ni rin'wana, yi fanela yi lulamisa mpimanyeto wa tihakelelo hi tlhelo ra Vutirheli naswona, nkarhi hinkwawo loko swi laveka, yi fanela ku lulamisa mpimanyeto lowu lulamisiweke ku va wu kokiwa tano.

(2) Mpimanyeto lowu languteriweke eka xiyengenyana xa (1) wu fanela ku lulamisiwa hi maendlele yo pimanyeta lawa ya tiyisaka ku tirhela ka le rivaleni, vutihlamuleri na vufambisi bya timali lebyi pfunaka bya ikhonomi, xikweleti na ka xiyenge xa ntirho wa tiko, naswona hi ku landza ku endliwa ka milawu ka rixaka loku ku vuriwaka eka xivulwana-ntsongo xa Xivulwa xa 216 xa Vumbiwa, kumbe Nawu wa Nkwama, 1975 (Nawu wa 66 wa 1975), loko Nawu wa Rixaka wo tano wu nga se vekiwa.

(3) Mpimanyeto lowu lulamisiweke hi ku landza xiyenge lexi tirhanaka na Timali leswaku wu ta kambisisiwa hi ku landza endlele leri ri fambelanaka na makungu ya xivulwana xa 214(1) xa Vumbiwa na endlele ro pimanyeta ra ntolovelolo.

Nkarhi wa Nawu wa Maavele na tihakelelo ta lembe-ximali

23. (1) Nawu wa Maavele wa vutirheli a wu fanelanga wu tekiwa wu pfumelela ku tirhisiwa ka timali leti averiweke hi wona eka lembe-ximali rin'wana handle ka rona lembe-ximali roleri wu nga mayelana na rona.

(2) Ku ya hi makungu ya xiyenge xa 22 tihakelelo eka lembe-ximali rin'wana na rin'wana ti fanela ku va kona hi ku landza minkavelo ya xinawu leyi nga kona hi tlhelo ra vutirheli na hi tlhelo ra xiavo xin'wana na xin'wana hi ku landza tinhlokomhakankulu ta xona leswi vuxokoxoko bya kona byi fanelaka ku kumeka eka mpimanyeto wa tihakelelo na ndzulamiso wa Mpimanyeto wihi na wihi wa Vutirheli.

(3) Tihakelelo ta Vutirheli leti hi tlhelo ra tona ku nga leswi nga ringanangiki ku nga kunguhatiwangiki kumbe ku kunguhatiweke eka Nawu wa Maavele a ti fanelanga ku tekeriwa enhlokweni tani hi xikweleti xo hetelela ehenhleni ka xiavo, handle ka loko—

(a) hi tlhelo ra ku kunguhata loku nga ringanangiki, Matsalani, ehansi ka matimba lawa a nyikiweke wona hi xiyenge xa 24(1) a rhange a nyika mpfumelelo hi tlhelo ro salela ehansi ka nhlokomhaka-nkulu yihi na yihi ya xiavo xolexo ku va ri tirhisiwa hi tlhelo ra tihakelelo toleto; kumbe

(b) Bodo yi nyikile mpfumelelo lowu tsariweke ehansi ka nsayino wa Xipikara emhakeni yaleyo ka ha ri eku sunguleni hi ku landza xiyenge xa 25.

Ku tirhisiwa ka masalela eka matshamelo ya timhaka yo karhi

24. (1) Xipikara, handle ka loko Bodo yi letela hi ndlela yin'wana, xi nga ha pfumelela leswaku salelo ehansi ka nhlokomhaka-nkulu ya xiavo xa Nawu wa Maavele wa Vutirheli wo tirhisiwa ku hakela tihakelelo leti tluleke mpimo ehansi ka nhlokomhaka-nkulu yin'wana kumbe tihakelelo ehansi ka nhlokomhaka-nkulu yintshwa ya xiavo xona xolexo: Ku ri leswaku mintsengo leyi yi kumekaka eka "Rixaxa ra 2" ra xedulu eka Nawu wa maavele wo tano hi ku ya hi vhoti leyi yi nga vuriwa yi fanela ku ka yi nga hundzi na mali leyi yi vekiwaka a yi fanelanga ku tirhiseriwa xikongomelo xin'wana handle ka lexi mali yoleyo yi nga nyiketiwa xona tani hilaha swi kombisiweke ha kona eka xedulu yo tano.

(2) Mintsengo leyi nga kona hi tlhelo ra xiavo xo karhi xihi na xihi xa Vutirheli, ku ya hi makungu ya xiyenge xa 25(1)(b)(ii), a yi fanelanga ku tlurisiwa, naswona masalela eka yona, hi mpfumelelo wa Bodo, ya nga ha tirhisiwa ku hakelela tihakelelo tihi na tihi tin'wana leti hi tlhelo ra tona ku veke na nkavelo lowu nga ringanangiki ehansi ka xiavo xolexo.

(3) Ntsengo lowu nga kona hi tlhelo ra xiavo xo karhi xihi na xihi xa vutirheli wu nga ha engeteriwa hi xiphemu xa timali leti ti aviweke hi tlhelo ra xiavonkulu: Ku antswisiwa ka Swipimelo swa Vutirheli eka xedulu ya Nawu wa Maavele wa vutirheli bya Tiko tani hilaha mutirhela-tiko wa tinkota wa xiavo xolexo, hi ku tsundzuxana na mutirhela-tiko wa tinkota loyi a languteriwaka eka xiyenge xa 26(1), a nga ha bohaka.

Vulawuri bya Bodo eka ku tirhisiwa ka timali eka matshamelo ya timhaka tin'wana

25. (1) Hambiloko ku ri na makungu ya swiyenge swa 21 na 24, Bodo, hi mpfumelelo wa Xirho xa Huvonkulu lexi tirhanaka na Timali, yi nga ha nyika mpfumelelo hi ku tsala hi tlhelo ra timali leti nga Nkwameni wa Mali ya Tiko wa Xifundzankulu ku va ti tirhisiwa elembe-ximali—

(a) ku hakelela tihakelelo ta muxaka lowu nga riki wa ntolovelo leti nga kunguhatiwangiki eka Nawu wa Maavele naswona leti nga koteki ku tlheriseriwa endzhaku handle ka ku onhakeriwa lokukulu ka ku navela ka vanhu ku ya fikela loko ku averiwa ka kona ku endliwa hi Mfumo wa Milawu; kumbe

Ndzindza-khombo ehenhleni ka ku lahlekeriwa kumbe ku onhakeriwa

30. Bodo yi nga ha tekela Vutirheli ndzindza-khombo ehenhleni ka ku lahlekeriwa kwihi ni kwihi, ku onhakeriwa, khombo kumbe nandzu lowu byi nga ha vaka eka wona hikokwalaho ka ku endla timfanelo ta byona kumbe ku tirhisa matimba ya byona.

Kungu ra nkarhinyana

31. Xilo xihi na xihi lexi endliweke hi tlhelo ra kumbe hi vito ra Vutirheli naswona munhu wihi na wihi kumbe vanhu lava thoriweke tani hi vatirhi va Mfumo wa Milawu ku nga si sungula nawu lowu, swi fanela ku tekiwa swi endliwile kumbe ku va va thoriwile hi ku landza makungu ya Nawu lowu.

Nhlokomahka hi ku komisa no sungula ku tirha

32. Nawu lowu wu vuriwa Nawu wa Xifundzankulu xa N'walungu wa Vutirheli bya Mfumo wa Milawu, 1997, naswona wu fanela ku sungula ku tirha hi siku leri bohiwaka hi Holobyenkulu hi xitivisa-nawu eka Gazete ya Xifundzankulu.

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

No. 16

5 Agostose 1998

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatšwago go dira tshedimošetšo ya kakaretšo—

No. 3 wa 1997: Molao wa Tirelo ya Lekgotlapeamelao la Profense ya Leboa, 1997.

MOLAO

Go beakanyetša tlhomo ya tirelo ya Lekgotlapeamelao, tlhomo ya Boto ya Tirelo ya Lekgotlapeamelao, mokgatlo le taolo ya Tirelo, kakanyo ya tekanyetšo ya Tirelo, le ditaba tšeo di amanago le tšona.

*(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 10 Julae 1998)*

GO BEWA MOLAO ke Lekgotlapeamelao la Profense ya Leboa ka mo go latelago:

Ditlhalošo

1. Ka mo Molaong wo, ntle le ge diteng di laetša ka mokgwa o mongwe—
 - "Bongwaledi" ke go re Bongwaledi bjo bo hlomilwego go ya ka karolo 13;
 - "Boto" ke go re Boto ya Tirelo ya Lekgotlapeamelao ye e hlomilwego ke karolo 3;
 - "Komiti-Kemo ya Ngwako" ke go re komiti-kemo ye e šupilwego ka mo go Melao-Kemo ya Lekgotlapeamelao la Profense.
 - "leloko" ke go re leloko lefe kapa lefe le le kgethilwego la Lekgotlapeamelao la Profense ya Leboa;
 - "Leloko la Boto" ke go re motho yo a šupilwego ka mo go karolo 4(1);
 - "Matlotlo a Ditseno tša Profense" ke go re Matlotlo a Ditseno tša Profense bakeng sa Profense a a hlomilwego ke karolo 226(1) ya Molaotheo;
 - "modiredi" ke go re motho yo a beilwego sa ruri mo go sebopegotiišetšo goba yo a šomago motheong wa sebakanyana goba wa therišano, e ka ba maamong a botlalo goba a motšwaoswere;
 - "Modulasetulo wa Dikomiti" ke go re leloko le le kgethilwego go ya ka Melao-Kemo ya Lekgotlapeamelao la Profense ya Leboa go ba Modulasetulo wa badulasetulo ba dikomiti ka moka tša Lekgotlapeamelao la Profense.

Sebaka

6. (1) Neng le neng ge go hlaga sebaka mo go Boto, se tla tlatšwa, ge Lekgotlapeamelao le—

- (a) le tulong, mo matšatšing a go šoma a mahlano, le
- (b) se tulong, mo matšatšing a go šoma a mahlano ka morago ga go thoma ga tulo ye e latelago.

Tshepedišo ya Boto

7. (1) Ka taolo ya dipeakanyetšo tša karolo ye, Boto e ka sepetša ka molao ditshepedišo tša yona gomme ya phetha mediro ya yona ka mokgwa wo e ka akanyago go swanela.

(2) Dikopano tša Boto di tla swarwa ka dinako tšeo le mafelong ao Modulasetulo a tlogo a akanya ka nako le nako.

(3) Modulasetulo goba maloko a mararo a Boto afe kapa afe a ka re ka nako efe le efe a bitša kopano e itšego ya Boto.

(4) Mo kopanong efe le efe ya Boto khoramo e tla ba le maloko a mane.

(5) Ka taolo ya karolwana (4), tiro goba sephetho sefe kapa sefe se se tšerwego ke Boto se ka se be sa makgonthe fela ka lebaka la go se be gona ga leloko la boto goba sebaka mo go Boto.

(6) Gore go phethwe nepo ya Molao wo gomme ka moya wa go fa ditirelo tše kgonthšhago go Lekgotlapeamelao la Profense, Boto e tla šoma ka mokgwa wo e phegelelago go fihlela kwano.

(7) Mo go se nago kwano, taba e tla laolwa ke bontši bja bouto.

Mediro le maatla a Boto

8. (1) Boto e tla—

- (a) kgonthišiša bogolo le peakanyo ya tlhomot sebopegotiišetšo išetšo;
- (b) re ka morago ga therišano le komiti ye e lebanego ya Lekgotlapeamelao, moo e akanyago go le bohlokwa, kgonthišiša ditirelo tše di tlogo beakanywa ke Tirelo gomme ya hloma sebopego se nyakegago sa peakanyetšo ya ditirelo tše boletšwego;
- (c) hlokomela peakanyetšo le taolo ya ditirelo;
- (d) kgonthišiša—
 - (i) moputso le mabaka a mangwe a ditirelo tše dingwe;
 - (ii) mabaka a tholo ya modiro le tshwaro ya ditirelo;
 - (iii) mabaka a go rakwa; le
 - (iv) melao ye e laolago nyakišišo ya tatofatšo ya bosenyi bja badiredi ka mo go tirelo;

- (e) hloma dikgoro tša Tirelo gomme ya oketša goba fokotša palo ya dikgoro gomme ya di beakanya go ba dikarolo le dikarolwana;
 - (f) dira dipeakanyetšo tšeo go le mabapi le karolo, tlhakanyo goba phedišo ya kgoro, karolo, karolwana efe kapa efe ka mo e ka bonago e le ye e thušago;
 - (g) phetha mediro efe kapa efe e mengwe ye e neetšwego goba rwešitšwego ka diphetho tša Lekgotlapeamelao;
 - (h) boledišana le badiredi goba baemedi ba mekgatlo ya badiredi; gomme
 - (i) akanya taba efe kapa efe ye e šupeditšwego.
- (2) Boto e ka fa ditaelo—
- (a) malebana le—
 - (i) dinyakwa tša bogolo bja batho, le tša thuto, polelo le dithuto tše dingwe tše ba swanetšego go ba le tšona bakeng sa ditebanyo tša peo, tšhutišo goba tlhalošo ka mo go goba go Tirelo; gomme
 - (ii) magoro a mediro le maemo mabapi le seo, mabaka ao ka ona le mabaka a Bongwaledi goba modiredi ofe kapa ofe yo go yena Bongwaledi bo mo neetše maatla a peo, tšhutišo goba tlhatošo, di ka nyaka maswanedi ka ntle le boletšwego mo go karolwana (i);
 - (b) malebana le dinyakwa tša maphelo tšeo motho a swanetšego go ba le tšona pele a ka bewa go ba modiredi;
 - (c) malebana le dinyakwa tša tšhireletšo tšeo ka tšona badiredi ba tlogo dumelelana le tšona nako le nako ge e bona go nyakega;
 - (d) malebana le tlhahlo ye badiredi ba swanetšego go e fiwa;
 - (e) malebana le teknolotši ya tshedimošo;
 - (f) malebana le ditaba tše dingwe dife kapa dife tšeo di sego tša beakanyetšwa ka mo go itšego ka mo go Molao wo, tše amanago le goba di tšwelelago go ditiro tša bahlankedi gammogo le thwalo le ditiragalo tša modiro o mongwe le mabaka a modiro ka kakaretšo badiredi ka mo Tirelong: Ge e le gore taelo yeo e ka se be ye e fapanago le Molao wo.

Go neelwa ga mediro le maatla a Boto

9. (1) Boto e ka, ka taolo ya mabaka a ka moo e ka beakanyago, abela goba neela ka go ngwala modiro goba maatla afe kapa afe a a neetšwego goba rwešitšwego ke goba ka fase ga Molao wo goba ke Lekgotlapeamelao, go leloko la Boto goba go Mongwaledi goba go modiredi ofe kapa ofe yo mongwe.

(2) Kabelo goba neelo efe kapa efe yeo e tla fetolwa ka go ngwalwa gomme e ka se thibele Boto go phetheng goba go dira modiro wa yona wo o angwago, ka mo go ka bago ka gona.

(3) Motho yoo modiro owe o neetšwego goba abetšwego go yena a ka se be le maikarabelo a ditshenyegelo dife kapa dife mabapi le phetho ya modiro goba maatla a abetšwego goba neetšwego ge e se ge modiro wa go ba le maikarabelo go ditshenyegelo o laeditšwe ka mo go bonagalago ka mo go kabelo goba neelo.

Thušo ye Itšego

10. Boto e ka re nako le nako ya kgetha motho goba batho ba ba kgonago go e eletša mo go ditaba tšeo ka go bogolo bja mediro le maatla a yona ka mo e ka bonago go nyakega.

Pego ya Ngwaga

11. Boto e tla re mo go sa fetego dikgwedi tše tharo ka morago ga mafelelo a ngwaga wa ditšhelete o mongwe le o mongwe ya ala pego yeo e šupeditšwego mo go karolwana (3) ya temana 3 pele ga Lekgotlapeamelao.

KGAOLO 3

TAOLO YA TIRELO

Peo ya Mongwaledi, Batlatsa Mongwaledi le Dihlogo

12. (1) Boto e tla—

- (a) hlaola motho yo a tlogo bewa go ba Mongwaledi ke Lekgotlapeamelao;
- (b) nako le nako ge e bona go nyakega, bea Motlatša-Mongwaledi goba Moswarela-Mongwaledi wa Tirelo; gomme
- (c) bea motho go ba hlogo ya kgoro goba karolo ya Tirelo.

(2) Mongwaledi o tla ba le maikarabelo go—

- (a) fa thušo go Lekgotlapeamelao la Profense mo tlhahlong ya ditshepedišo, ditshepefso le modiro gomme le go šomiša melao le ditaello tša lona tša Speaker;
- (b) fa ditirelotaolo go Speaker le go maloko a mangwe a Lekgotlapeamelao la Profense; gomme
- (c) laola Bongwaledi.

Tihomo ya Bongwaledi

13. (1) Go tla hlongwa fa ka gona Bongwaledi bao e tla bago—

- (a) Mongwaledi;
- (b) Batlatša-Mongwaledi le Moeletši-Molao-Mogolo; le
- (c) Leloko goba maloko a koketšo a mangwe ao ka moo Boto e kago re ka nako le nako ya kgonthišiša ka mo go sebopegotiišetšo.

(2) Bongwaledi, ba tla phetha mediro ye ba e šupeditšwego goba ba e neetšwego go ya ka Molao wo goba ditaello tše filwego ke Boto.

(3) Mongwaledi o tla hlagiša go Boto pego ya mošomo wa Bongwaledi go dipaka ka mehla tšeo gomme le ka sebopego seo ka mo Boto e kago beakanya.

Modulasetulo le Moswarela-Modulasetulo wa Bongwaledi

14. (1) Mongwaledi o tla ba Modulasetulo wa Bongwaledi.

(2) Nako le nako ge Mongwaledi a se gona goba a palelwa ke go phetha mediro ya gagwe, o tee wa Batlatša Mongwaledi goba Moeletši-Molao-Mogolo o tla šoma bjalo ka Modulasetulo.

Tshepedišo

15. Ka taolo ya dipeakanyetšo tša Molao wo le taelo efe kapa efe yeo e kago fiwa ke Boto, Bongwaledi ba tla sepetša ka molao ditshepetšo tša bona gomme ba phetha mediro ya bona ka mokgwa owe ba tlogo akanya go swanela.

KGAOLO 4

PEAKANYO LE BADIREDI

Dikgoro le dihlogo tša dikgoro

16. (1) Bakeng sa ditebanyo tša taolo ya Tirelo ga tla ba le dikgoro tše di akantšwego ke Boto go ya ka karolo 8(1)(e).

(2) Kgoro e enngwe le enngwe e tla ba le hlogo yo e ka ge e le modiredi e tla ba moswari wa mošomo ka mo go sebopegotšišetšo.

(3) Hlogo ya kgoro e tla ba le maikarabelo go taolo le tshepedišo ye e nago le bokgoni ya kgoro ya gagwe go akaretša le tshomišo le tlhahlo ya badiriši e kgontšhago, go ba le maitshwaro, tšweletšopele ya ditswalano tša mošomo o kwalago gomme le tšhomišo le tlhokomelo ye swanetšego ya thoto ya Lekgotlapeamelao, gomme o tla phetha mediro yeo e tlogo ba ye e kgethetšwego ke Boto ka nako le nako.

Peo, tlhalošo, tšhutišo le phedišo ya mošomo

17. (1) Peo ya motho ofe kapa ofe goba tlhatlošo goba tšhutišo ya modiredi ofe kapa ofe le ditlamo tša mošomo tša badiredi di tla dirwa ke Mongwaledi mo go tššetšo ya hlogo ya kgoro.

(2) Dipeo, ditlhalošo le ditšhutišo le phedišo ya mešomo ka mo go Tirelo di tla dirwa ka mokgwa owe gomme mo go mabaka ao ka mo a tlogo ba a kgethetšwego ka Boto.

Mošomo o mongwe ka badiredi

18. ge e se ge go beakantšwe ka mokgwa o mongwe ka mo go ditlamo tša mošomo wa gagwe—

(a) modiredi o mongwe le o mongwe o tla bea nako ya go šoma ya gagwe ka botlalo mo go taolo ya Tirelo;

- (b) ga go modiredi yo a hirilwego sa ruri mo go tlhomotiišetšo a tlogo phetha goba a ikgokaganya le go phetha modiro wa go putsa ka ntle ga modiro wa gagwe ka mo Tirelong, ka ntle ga tumelelo ye e filwego ke Boto; gomme
- (c) ga go modiredi yo o tlogo nyaka moputsokoketšo ofe kapa ofe mabapi le modiro goba mošomo wa mmušo ofe kapa ofe woo a o phethago ka go ithaopa goba o nyakwa ke taolo ye e kgonago gore o phethwe.

KGAOLO 5

DIPEAKANYETŠO TŠA DITŠHELETE MABAPI LE TIRELO

Ditšhelete tša Tirelo

19. (1) Taolo ya tshenyegelo le kabo ya ditšhelete tša Tirelo di tlo ba magetleng a Speaker.

(2) Boto e tlo matlafatša Mongwaledi go aba ditšhelete godimo ga ditaba ka moka tšeo di amago khumano ya ditlišwa, metšhene, diphahlo le ditirelo tša Tirelo godimo ga mabaka ao e bonago a le bokhlokwa.

Khwetšo ya Ditirelo le Ditlišo

20. (1) Ka therišano le Komiti-Kemo ye e nago le maikarabelo go ditaba tša ditšhelete Boto e tla—

- (a) hlomo Komiti-Tlišo ya Gare ya ditirelo le ditlišo bakeng sa Lekgotlapeamelao.
- (b) akanya bogolo, sebopego le paka ya Komiti-Tlišo ya Gare.
- (e) akanya ditshepedišo tše di tlogo latelwa ke Komiti-Tlišo ya Gare go khwetšo ya ditirelo le ditlišo tše nyakegago; gomme
- (d) akanya dipeano, mabaka le tshupetso tse dingwe tsa dikontraka tsa khwetšo:

Ge fela a le gore peakanyo ye e šomišago ke komiti e tla ba ye e lokilego, lekalekanego, lego pepeneng, kgontšhago gomme e be le dipoelo.

(2) Molaotheo ofe kapa ofe wa Komiti-Tlišo ya Gare go ya karolwana (1) e tla alwa ka mo go Lekgotlapeamelao go tlo dumelelwa.

Tšhomišo ya dipeakanyetšo tša Molao wa Matlotlo 1975 (Molao 66 wa 1975)

21. Dipeakanyetšo tša karolwana 7, 14, 33 le 34 tša Molao wa Matlotlo, 1975 (Molao 66 wa 1975), le dipeakanyetšo tša Kgaolo I, II, III le IV tša Molao wo di tla šoma *mutatis mutandis* mabapi le ditirelo, boutu, diakhaonte, ditšhelete le phahlo ya Lekgotlapeamelao gomme mo go tšhumišo yeo—

- (a) tšhupetšo efe kapa efe mo go karolo 14, 33 le 34 go mohlankedimohlakiši e tla tšewa go ba tšhupetšo go Mongwaledi.

- (b) tšhupetšo efe kapa efe mo go karolo 33(1)(c) go sešegotlotlo e tla tšewa go ba tšhupetšo go Speaker; gomme
- (c) tšhupetšo efe kapa efe mo go karolo 34 go motho yo a bego goba a ikelego a šomela kgoro e tla tšewa go ba tšhupetšo go motho yo a bego goba a kilego a šomela Lekgotlapeamelao.

Ditekanyetšo tša tshenyegelo

22. (1) Boto e tla re ngwaga o mongwe le o mongwe wa ditšhelete ya lokiša tekanyetšo ya tshenyegelo ya Tirelo gore di phumolwe ka go Sekhwama sa Ditseno tša profense gomme e tla, nako efe le efe ge go swanetše, lokiša tekanyetšo yeo e kaonafaditšwego gore e phumolwe.

(2) Tekanyetšo yeo e bolelwago ka go karolwana (1) e tla beakanywa ka tshepetšo ya tekanyetšo e kgonthišago go ba pepeneneng, maikarabelo le taolo ya ditšhelete ya ekonomi ye e kgonthišago, sekoloto le tirelo ya setšhaba, gomme go ya ka molao wa setšhaba wo o šupeditšwego ka mo go karolwana (1) ya Karolo 216 ya Molaotheo goba Molao wa Matlotlo, 1975 (Molao 66 wa 1975), ge e le gore molao wa setšhaba owe ga sahlo o phethagatšwa.

(3) Tekanyetšo yeo e beakanywago go ya ka karolo ye e tla romelwa go Leloko la Lekgotla-Phethišo leo le laolago Matlotlo go tlo ahlaahlwa ka tumelelano le tshepedišo yeo e sepedišago le dipeakanyetšo tša karolo 214 (1) ya Molaotheo le tshepetšo ya tekanyetšo ya mehleng.

Botelele bja Paka ya Molao wa Ditekanyetšo le Tshenyegelo gare ga Ngwaga wa Ditšhelete

23. (1) Molao wa Tekanyetšo go Tirelo o se tšewe bjalo ka ge o maatlafatša tšhomišo ya ditšhelete tšeo di lekanyeditšwego ke wona ka ngwageng wa ditšhelete wo e sego ngwaga wa ditšhelete woo o tswalanago le wona ka maleba.

(2) Ka taolo ya dipeakanyetšo tša karolo 22 tshenyegelo e tla re ngwageng o mongwe le o mongwe wa ditšhelete ya dirwa go ya ka ditekanyetšo tša taolo tša kemo tša Tirelo gomme, mabapi le bouto enngwe le enngwe, mabapi le dikarolokgolo tša tšona tšeo dithlalošišo tša tšona di tlogo humanwa ka gare ga ditekanyetšo tša tshenyegelo le tekanyetšo ya ditokišo tša Tirelo.

(3) Tshenyegelo ya Tirelo yeo mabapi le yona go sego, goba peakanyetšo yeo e sa lekanelago dirilwego ka gare ga Molao wa Ditekanyetšo e ka se ngwalwe ka gare ga ditšhupamolao bjalo ka sekoloto sa mafelelo kgahlanong le bouto, ntle le ge—

- (a) tabeng ya peakanyetšo yeo e sa lekanelago, Speaker ka maatla ao a nago nao ka karolo 24(1), a filwe tumelelo ya pele go bolokwa ka fase ga karolokgolo efe le efe ya bouto yeo e amegago e šomišwago go yona tshenyegelo yeo; goba
- (b) Boto e file tumelelo ya go ngwalwa ka fase ga tshaeno ya Speaker sa yona pele go ya ka karolo 25.

Tšhomišo ya dipoloko mabakeng a Itšego

24. (1) Speaker a ka, ka ntle le ge Boto e ka laela ka mokgwa o mongwe, dumela gore polokego ka fase ga karolokgolo ya bouto ka mo go Molao wa Tekanyetšo bakeng sa Ditirelo e ka šomišwa bakeng sa tefelo ya tshenyegelo ye e fetago ka fase ga karolokgolo enngwe, goba ya tshenyegelo ka fase ga karolokgolo e mpsha ya bouto yona yeo: Ge e le gore dikgoboko tše tšwelelago ka mo go "Kholomo 2" ya šetule go Molao wa Tekanyetšo owe mabapi le bouto ye e boletšwego e ka se fetišwe, gomme dipolokego di ka se šomišwe ka gona bakeng sa tebanyo enngwe ka ntle le yeo tšhelete e bego e filwe ka moo e laeditšwego ka mo go šetule yeo.

(2) Dikgoboko tše di tšwelelago mabapi le bouto ya maleba ya Tirelo di ka se, ka taolo ya dipeakanyetšo tsa karolo 25(1) (b)(ii), fetišwe gomme dipoloko godimo ga tšona di ka, ka tumelelo ya Boto, šomiswa go phumolo ya tshenyegelo efe le efe yeo ka yona go dirilwego tekanyetšo yeo e sa lekanelago ka fase ga bouto yona yeo.

(3) Kgoboko ye e tšwelelago mabapi le bouto efe le efe ya maleba ya Tirelo e ka oketšwa ka sona seripa seo sa tšhelete yeo e lekanyeditšwego bouto e kgolo: Kaonafatšo ya Mabaka a Tirelo ka gare ga šetule go Molao wa Ditekanyetšo tša ditirelo tša Mmušo bjalo ka Mohlankedi wa boikarabelo wa bouto yeo, ka therišano le mohlankedi wa boikarabelo yoo a bolelwago ka go karolo 26(1), a ka kgonthišiša.

Tumelelo ka Boto go tšhomišo ya ditšhelete mabakeng a Itšego

25. (1) Le ge go le bjalo ka dipeakanyetšo tša dikarolo 21 le 24, Boto e ka, ka tumelelo ya Leloko la Lekgotla-Phethišo leo le laolago matlotlo, fa tumelelo ya go ngwalwa ya go re ditšhelete ka gare ga Sekhwama sa Matlotlo sa Profense di šomišwe nakong ya ngwaga wa ditšhelete—

(a) go lefela ditshenyegelo tša mohuta wa go ya thoko tšeo di sa beakanyetšwago ka gare ga Molao wa Ditekanyetšo gomme tšeo ka ntle le tshekamelompe go kgahlego ya setšhaba di ka emišwago go fihlela tekanyetšo ya tšona e ka dirwa ke Lekgotlapeamelao; goba

(b) go lefela—

(i) tshenyegelo mabapi le phetišo yeo e emetšwego godimo ga bouto yeo ka ntle le tshekamelompe ga kgahlego ya setšhaba e ka se šuthišetšwego go fihlela tekanyetšo ya yona e ka dirwa ke Lekgotlapeamelao.

(ii) tshenyegelo mabapi le phetišo yeo e emetšwego ya kgoboko yeo e šupetšwago ka gare ga Molao wa Ditekanyetšo bjalo ka boutwana:

Ge fela e le gore kgoboko-moka yeo mabapi le yona go ka fiwago tumelelo go ya ka karolwana ye e ka se fete nako efe le efe kgoboko ya go lekana le diphesente tše pedi tša kgoboko-moka yeo e lekanyeditšwego ke Molao wa Ditekanyetšo wa maloba.

(2) Boto e tla tšea magato, e sego ka morago ga paka ya tulo ya ngwaga ka ngwaga ya Lekgotlapeamelao, a tekanyetšo ya dikgoboko dife le dife tšeo di goba di tlogo šomišwa go ya ka karolwana (1).

Mešomo le mediro ya Mongwaledi

26. (1) Ka taolo ya dipeakanyetšo tša Molao wo, le gore ntle le ge go laelwa ke Boto ka mokgwa o mongwe mabapi le boutle e itšego, Mongwaledi o tla ba mohlankedi-mohlakiši ka moo go boletšwego mo go Karolo 19 (2).

(2) Mongwaledi o tla ikarabela go Boto ka ga tshenyegelo le tekanyetšo ya ditšhelete.

(3) Mongwaledi o tla boloka rekhoto e lokilego ya ditšhelete ka moka tšeo di amogetšwego le go lefelwa ke yena, le ditshepedišo tša maleba ka moka tša ditšhelete.

(4) Mongwaledi o tla bula le go hlokomela kua pankeng e ngwadišitšwe ka fase ga Molao wa Dipanka, 1990 (Molao 94 wa 1990), gomme e dumeletšwego ke Boto, akhaonte ke Boto, akhaonte yeo ka gare ga yona go tlogo go pankiwa ditšhelete ka moka tšeo di amogetšwego ke yena legatong la tirelo, gomme go yona go tlogo dirwa ditefelo tša diakhaonte legatong la tirelo bjalo ka ge go bolelwa ka gare ga Molao wo.

(5) Mongwaledi o tla saena, goba a ka dumelela ka go ngwalwa motho goba batho bao ba hirilwego ke Tirelo go saena, ditšheke tše nyakelwago ditefelo go tšwa akhaonteng ya panka yeo e boletšwego ka go karolwana (4).

(6) Mo go dikgwedi tše pedi ka morago ga mafelelo a ngwaga wa ditšhelete, Mongwaledi o tla iša go Sešegotlotlo sa Profense gore go pankiwe lefsa ka gare ga Akhaonte ya Matlotlo, mašaledi afe le afe ao a sa emelwago a ditšhelete tšeo di amogetšwego go tšwa go Sešegotlotlo.

(7) Mo go dikgwedi tše nne ka morago ga mafelelo a ngwaga wa ditšhelete o mongwe le mongwe, Mongwaledi o tla hlola gore ditatamente tša diakhaonte di lokišwe tšeo di laetšago ka botlalo ditšhelete tša gomme le legatong la Tirelo, tšeo di amogetšwego ke yena, le tshenyegelo yeo e dirilwego ke yena pakeng ya ngwaga wa ditšhelete woo o bolelwago.

Tlhakišo ya Diakhaonte tša Tekanyetšo

27. Diakhaonte tša Lekgotlapeamelao di tla, nyakišišwa, tlhahlobja le go hlakišwa ke Mohlakiši-Pharephare, go ya ka Molao wa Mohlakiši-Pharephare, 1995 (Molao 12 wa 1995), gomme ge go dirwa tlhakišo yeo ditšhupetšo go mohlankedimohlakiši le go batho ka mo go tirelo ya setšhaba di tla tsewa go ba ditshupetšo tša Mongwaledi le go batho ba ba šomelago Lekgotlapeamelao, ka go latelana.

Tshenyegelo yeo e sa dumelelwago

28. Tshenyegelo yeo e sa dumelelwago malebana le diakhaonte tša Tirelo, bjalo ka ge e bolelwa ka go Molao wa Matlotlo wa 1975 (Molao 66 wa 1975), o tla šogwa ka tumelelano le dipeakanyetšo tša Molao.

KGAOLO 6

KAKARETŠO

Kgaolelo ya Ditshepedišo tša Semolao

29. (1) Ga go ditshepedišo tša semolao tšeo di tlogo go ntšhwa kgahlanong le Boto, Mongwaledi goba mošomedi ofe goba ofe ka gare ga Tirelo mabapi le tiro yeo e bolelwago e dirilwe go ya ka Molao wo, goba tlogelo efe le efe yeo e bolelwago ya go dira selo sefe le sefe seo se swanetšego go ba se dirilwe go ya ka Molao wo, ntle le ge tsona ditshepedišo tšeo di ntšhitšwe pele ga bofelo bja paka ya dikgwedi tse lesomepedi ka morago ga tšatšikgwedi yeo ka yona mmedi a bego a laetšwe ka maleba a letetšwe go ba le tsebo ya tiro goba tlogelo yeo e bolelwago, e ka ba tšatšikgwedi efe le efe yeo e tlogo pele.

(2) Ga go ditshepedišo tša semolao tšeo di ka bakwago pele ga bofelo bjo e ka bago kgwedi e tee ka morago ga tsebišo yeo e ngwadilwego yeo e filwego moitšhireletši yoo ka gare ga yona ditlhaloso tša tsebišo tša tiro goba tlogelo e bolelwago, di tlogo go fiwa tša maikemišetšo a go baka ditshepedišo tšeo.

(3) Karolwana (1) le (2) di ka se tšewe bjalo ka go thibela molao wa kgoro go laola dinyakwa goba dithibelo tša dikarolwana tše bolelwago fao e lego ka kgahlego ya toka.

(4) Molao wa Tlamego wa Mmušo, 1957 (Molao 20 wa 1957), o tla šoma *mutatis mutandis* go fihla fao go kgonagalago mabapi le Boto, gomme ka gare ga tšhomišo yeo tšhupetšo ka gare ga Molao wo go Tona ya Kgoro e tla tšewa go ba tšhupetšo go Modulasetulo wa Boto.

(5) Neng le neng ge motho ofe le ofe a rwalwa goba a šomiša koloi, sefofane goba sekepe sefe le sefe seo se lego phahlo ya Tirelo goba Mmušo, Boto goba mošomi ka gare ga Tirelo a ka se tlamelelwe go yena motho yoo, mogatšagwe, motswadi, ngwana goba mofepiwa ofe le ofe ka tahlegelo goba tshenyego efe le efe yeo e hlolwago ke kgobalo efe le efe go mmele, tahlegelo ya bophelo goba tahlegelo goba tshenyegelo ya phahlo yeo e hlotšwego ke goba e tsošitšwego ke goba ka tsela efe le efe e amana le thwalo ka gare goba tšhomišo ya yona koloi, sefofane goba sekepe seo, ntle le ge yena motho yoo a rwalwa bjalo goba a šomiša ka kgahlego goba ka phethagatšo ya mešomo ya Tirelo.

Ge feela e le gore dipeakanyetšo tša karolwana ye di sa se ame tlamego ya mošomedi yoo a lego ka gare ga tirelo yoo a hlotšego ka boomo tahlego goba tshenyego yeo e bolelwago.

Inšorense kgahlanong le tahlego goba tšhenyego

30. Boto e ka inšora Tirelo kgahlanong le tahlego, tshenyego, kotsi goba tobo yeo e ka e humanago ka lebaka la phethagatšo ya mediro-tlamego ya yona goba phethagatšo ya maatla a yona.

Peakanyetšo ya Phetišetšo

31. Sengwe le sengwe seo se dirwago go le legatong la Tirelo gomme motho ofe le ofe goba batho bao ba hiretšwego go ba badiredi ba Lekgotlapeamelao pele ga go thoma ga Molao wo ba tla tšewa go ba ba dirilwe goba ba hirilwe go ya ka dipeakanyetšo tša Molao wo.

Thaetlele e kopana le go thoma

32. Molao wo o tla bitšwa Molao wa Tirelo ya Lekgotlapeamela la Profense ya Leboa, 1997, gomme o tla thoma go šoma ka tšatšikgwedi yeo e tla bewago ke Tonakgolo ka kgoeletšo ka gare ga Kuranta ya Profense.

NQIVHADZO YA VUNDU

OFISI YA PREMIA

No. 16

5 Thangule 1998

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

No. 3 wa 1997: Mulayo wa Tshumelo wa Vhusimamilayo ha Vundu la Devhula, wa 1997.

MULAYO

U vhekanyela u thomiwa ha Tshumelo dza Vhusimamilayo, u thomiwa ha Bodo ya Tshumelo dza Vhusimamilayo, nzudzanya na Ndaulo ya Tshumelo, u tiwa ha Mugaganyagwama wa tshumelo, na mafhungo a elanaho na zwenezwo

*(Tshipida tsha Tshiisimane tsho sainwaho nga Premia)
(Tsho divhadzwa kha nga 10 Fulwana 1998)*

HU khou vhewa mulayo nga Vhusimamilayo ha Vundu la Devhula nga u rali:

Thandavhudzo

1. Kha uyu Mulayo, nga nnda ha musu zwi re ngomu zwi tshi amba zwiñwe—

"Bodo" zwi amba Bodo ya Tshumelo ya Vhusimamilayo yo thomiwaho nga khethekanyo 3;

"Komiti yo Imaho ya Nnḁu" zwi amba komiti yo imaho yo laedzwaho kha Ndayo dzo Imaho dza Vhusimamilayo ha Vundu.

"Malamba" zwi amba malamba othe o badelwaho mushumeli, nahone zwi do katela muholo wa nwedzi, magavhelo a malamba kana zwiñwe zwifhiwa, kuvhanganyo ya Tshumelo kha tshikwama tsha phensheri na tshikwama tsha thusedzo ya dzilafho na dziñwe-vho mbuelo.

"Mudzulatshidulo wa Dzikomiti" zwi amba muraḁo o khethiwaho hu tshi tevhedzwa Ndayo dzo Imaho dza Vhusimamilayo ha Vundu la Devhula u vha Mudzulatshidulo wa Vhadzulatshidulo wa Komiti dzothe dza Vhusimamilayo ha Vundu;

"Mufarisa Mulangadzulo" zwi amba Mufarisa Mulangadzulo wa Vhusimamilayo ha Vundu o khethwaho hu tshi tevhedzwa khethekanyo 111 ya Mulayotewa;

- "Mulangadzulo"** zwi amba Mulangadzulo wa Vhusimamilayo o khethiwaho hu tshi tevhedzwa khethekanyo 111 ya Mulayotewa;
- "Mulayotewa"** zwi amba Mulayotewa wa Riphabuliki ya Afrika Tshipembe, 1996 (Mulayo No. 108 wa 1996);
- "Munwaleli"** zwi amba Munwaleli wa Vhusimamilayo o tholwaho kha uho vhuimo nga Vhusimamilayo.
- "Murangaphanda wa Nn̄u"** zwi amba muraḡo o tholwaho nga Vhusimamilayo ha Vundu u itela ndivho ya khethekanyo 4(1);
- "Muraḡo"** zwi amba muraḡo ufho o khethwaho wa Vhusimamilayo ha Vundu la Devhula;
- "Muraḡo wa Bodo"** zwi amba muthu o laedzwaho kha khethekanyo 4(1);
- "Mushumeli"** zwi amba muthu ufho na ufho o tholwaho lwa tshoṭhe kha mutheo wo tiwaho kana o tholwaho lwa tshifhinganyana kana nga lwa u khontsalita, kana vhuimoni ha lwa tshoṭhe kana lwa tshifhinganyana;
- "Nwaha wa Muvhalelano"** zwi amba tshikhathi tsha u bva nga la 1 Lambamai n̄wahani ufho na ufho u swika nga 31 Thafamuhwe kha n̄waha u tevhelaho wonoyo;
- "Tshikwama tsha mbuelo tsha Vundu"** zwi amba Tshikwama tsha Mbuelo tsha Vundu tsho thomiwaho nga khethekanyo 226(1) ya Mulayotewa;
- "Ofisi ya Vhunwaleli"** zwi amba Ofisi ya Vhunwaleli yo thomiwaho nga khethekanyo 13;
- "Tshumelo"** zwi amba tshumelo ya Vhusimamilayo yo thomiwaho hu tshi tevhedzwa khethekanyo 2;
- "U thoma ho tiwaho"** zwi amba zwikhala zwo itwaho u itela vhuḡi na kutshimbidzele kwa thodea dza tshumelo.

NDIMA YA 1

TSHUMELO DZA VHUSIMAMILAYO

U thomiwa ha Tshumelo dza Vhusimamilayo

2. Hu tshi tevhedzwa Mulayotewa na Ndayo dzo Imaho dza Vhusimamilayo ha Vundu, afha hu khou thomiwa Tshumelo ya Vhusimamilayo ine mishumo yayo mihulwane i ḡo vha ya u ḡisedza tshumelo dza ndaulo kha Mulangadzulo na miṁwe miraḡo ya Vhusimamilayo.

NDIMA YA 2

BODO YA TSHUMELO DZA VHUSIMAMILAYO

U thomiwa ha Bodo ya Tshumelo dza Vhusimamilayo

3. (1) Afha hu khou thomiwa Bodo ya Tshumelo ya Vhusimamilayo ha Vundu la Devhula ine ya do vha na mishumo na maanda e ya hweswa nga uyu Mulayo kana nga likumedzwa la Vhusimamilayo.

(2) Bodo i do kona u todisisa na u fara idzo ndisedzo na zwishumiswa sa zwine zwa vhone zwo tea nahone hu nga latwa idzo ndisedzo na zwishumiswa zwine zwa balelwa u sevisiwa: Tenda ha vha uri a hu na tshithu kha uhu u vheva tshine tsha do shandukisa u nea Bodo vuvha ha Mulayo.

(3) Malugana na u shumisa maanda na u ita mishumo yayo, mirado ya Bodo i do vha tshithu tshithi kha vhudifhinduleli kha Vhusimamilayo ha Vundu, nahone, vha do swikisa muvhigo wo tou nwalwaho luthihi fhedzi nga nwaha kha Vhusimamilayo.

Mbumbo ya Bodo

4. (1) Bodo i do vumbwa nga—

- (a) Mulangadzulo;
- (b) Mufarisa Mulangadzulo;
- (c) Mudzalatshidulo wa Dzikomiti;
- (d) Murangaphanda wa Ndu;
- (e) Muwaleli; na
- (f) Mirado mivhili zwayo ye ya nangwa nga likumedzwa la mbili tsha raru tsha sipeshala tsha Vhusimamilayo ha Vundu: Tenda ha vha uri mirado mivhili ya Bodo i do vha mirado ya mahoro matuku o fhambanaho.

(2) Hu tshi tevhedzwa mbetshelo dza khethekanyo thukhu (3), murado wa Bodo o vhwaho hu tshi tevhedzwa phara (f) ya khethekanyo thukhu (1) u do tutshela u vha murado wa Bodo arali—

- (a) ene a tutshela u vha murado wa Vhusimamilayo;
- (b) u nangiwa ha we ho humiselwa murahu nga Vhusimamilayo;
- (c) ene o tsiruwa nga u tou nwala; kana
- (d) ene a tshi kundelwa, nga nthani ha zwiwe zwiitisi, u bvela phanda na u shuma sa murado wa Bodo.

(3) Arali Vhusimamilayo ho fhaladzwa kana tshifhinga tshaho tsho fhela, Bodo i do bvela phanda na u shuma nahone murado wa Bodo u do bvela phanda na u vha murado u swikela musi Vhusimamilayo vhuswa vhu tshi vhumbiwa nga murahu ha khethe guye ha nanga vhafaraofisi vha hune nga murahu Mirado ya Bodo ya do khethe lulwa nga huswa sa zwo laedzwaho kha khethekanyo thukhu (1).

Mudzulatshidulo

5. (1) Mulangadzulo u do vha Mudzulatshidulo wa Bodo, nahone misi ene a siho, Mufarisa Mulangadzulo u do shuma sa Mudzulatshidulo, misi vhothe vha siho, Mudzulatshidulo wa Dzikomiti u do shuma sa Mudzulatshidulo misi uyo o bulwaho e siho, mirado ya Bodo i do khetha muthihi wa mirado yayo u shuma o imela Mudzulatshidulo: Tenda Murwaleli a sa do tewa nga u vha Mudzulatshidulo.

(2) Hu sa sedzwi zwithu zwifhio na zwifhio zwi hanedzanaho na zwi re ngomu kha uyu Mulayo, Mulangadzulo u do ri vhukadini ha mutangano i tevhekanaho ya Bodo u do ita yothe mishumo na u shumisa othe maanda awe e a hweswa kha Bodo nga Mulayo. Tenda ha vha uri iyo nyito nga Mulangadzulo i do livhiswa na u sedzuluswa nga Bodo kha mutangano wayo wa u thoma nga murahu ha iyo nyito.

Tshikhala

6. Tshifhingani tshothe musu hu tshi vha na tshikhala kha Bodo, tshi do dadzwa, arali, Vhusimamilayo vhu—

- (a) kha dzulo, vhukadini ha maduvha manu a mushumo; na
- (b) musu vhu siho kha dzulo, vhukadini ha maduvha manu a mushumo nga murahu ha mathomo a dzulo li tevhelaho.

Matshimbidzele a Bodo

7. (1) Hu tshi tevhedzwa mbetshelo dza iyi khethekanyo, Bodo i nga laula matshimbidzele ayo na u ita mishumo yayo nga ndila ine ya nga vhona zwo tea.

(2) Mutangano ya Bodo i do farwa nga izwo zwifhinga na afho fhethu sa zwine Mudzulatshidulo a nga ta tshifhinga na tshifhinga.

(3) Mudzulatshidulo kana mirwe mirado miraru ya Bodo i nga vhidza mutangano wa sipeshala wa Bodo.

(4) Kha mutangano ufho na ufho wa Bodo, khoramu i do itwa nga mirado mina.

(5) Hu tshi tevhedzwa khethekanyo (4), nyito ifho na ifho kana phetho yo dzhiwaho nga Bodo a i nga do vha i si ya ndeme tshothe nga nthani ha u sa vha hone ha murado wa Bodo kana tshikhala kha Bodo.

(6) U itela u swikela ndivho dza uyu Mulayo nahone hu kha muya wa u ita tshumelo kwao kha Vhusimamilayo ha Vundu, Bodo i do shuma nga ndila ine ya lwela u swikela pfano.

(7) Misi hu sa swikeliwi kha pfano, mathungo a do tshewa nga vhunzhi ha voutu.

Mishumo na Maanda a Bodo

8. Bodo i do—

- (a) ta vhuhulu na mbumbo ya tshithomiwa tsho tewaho;
- (b) nga murahu ha u kwamana na komiti dzo teaho dza Vhusimamilayo, hune zwa vha zwo tea, ta tshumelo dzine dza do disedzwa nga Tshumelo nahone ha thomiwa mbumbo yo teaho u itela mbetshelo dza tshumelo dzo bulwaho;

- (c) t̥ola mbetshelo na ndaulo ya dzitshumelo;
 - (d) ta—
 - (i) malamba na miñwe milayo ya mashumele;
 - (ii) milayo ya u litsha na u bvela phanda ha tshumelo;
 - (iii) milayo ya u litshiswa mishumo; na
 - (iv) ndaulo dzi langaho tsedzuluso ya mbonamulandu malugana na u d̥ifara huvhi ha vhashumeli kha tshumelo;
 - (e) thoma mihasho u itela Tshumelo na nyengedzedzo kana u fhungudza nomboro ya mihasho na u dzi dzudzanya uri dzi vhe khethekanyo na dzikhethekanyo t̥hukhu;
 - (f) ita idzo nzudzanyo u itela na malugana na u t̥angana kana u vhulahwa ha muhasho uf̥hio na uf̥hio, khethekanyo, khethekanyo t̥hukhu sa zwine ya nga vhona zwo tea;
 - (g) ita mishumo miñwe if̥hio na if̥hio ye ya hweswa kana ye ya avhelwa nga t̥ikumedzwa t̥a Vhusimamilayo;
 - (h) ambedzana na vhashumeli kana vhaimeleli vha madzangano a vhashumeli; na
 - (i) lavhelesa mafhungo af̥hio na af̥hio o livhanyiswaho nayo.
- (2) Bodo i nga t̥ea ndaela—
- (a) malugana na—
 - (i) t̥hoḁea u ya nga ha vhukale ha vhathu, na pfunzo, luambo na dziñwe t̥hoḁea dzine muthu a tea u vha nadzo u itela u tholwa, u sudzuluswa kana u aluswa kana kha Tshumelo; na
 - (ii) kilasi dza dziposwo na maimo malugana na, maimela ane a nga shumiswa nga Muñwaleli kana mushumeli uf̥hio na uf̥hio we a rumelwa nga Ofisi ya Vhuñwaleli malugana na u tholwa, u sudzuluswa, zwi nga t̥oḁa t̥hoḁea dziñwe nga n̥ḁani ha idzo dzo laedzwaho kha khethekanyo t̥hukhu (i);
 - (b) malugana na t̥hoḁea dza mutakalo dzine muthu a tea u vha nadzo phanda ha musi a sa athu tholwa sa mushumeli;
 - (c) malugana na t̥hoḁea dza tsireledzo dzine a tea u t̥iimisa ngadzo musi zwi tshi dzhiwa zwo tea;
 - (d) malugana na vhugudi vhune mushumeli a tea u vhu ita;
 - (e) malugana na mafhungo a thekhenolodzhi; na
 - (f) malugana na mañwe mafhungo af̥hio na af̥hio a so ngo vhetshelwaho kha uyu Mulayo, zwi elanaho na kana zwi bvaho kha nyito dza muthu khathihi na u tholwa na zwiñwe zwa malugana na mishumo wa na maimela a tshumelo nga u angaredza zwa vhashumeli kha Tshumelo: Tenda idzo ndaela dza t̥o vha dzi sa elani na uyu Mulayo.

U ŋea mishumo na maanḁa a Bodo

9. (1) Bodo i nga, hu tshi tevhedzwa ayo maimela sa zwine ya nga ta, hwesa kana u ŋea nga u tou nḁwala mushumo ufḁio na ufḁio kana maanḁa e a laedzwa kana u hweswa khayō nga kana fhasi a uyu Mulayo kana nga Vhusimamilayo, kha Muradō wa bodo kana kha Muḁwaleli kana kha muḁwe Mushumo ufḁio na ufḁio.

(2) Uyo mushumo ufḁio na ufḁio kana vḁurumelwa vḁu ḁo fheliswa nga u tou nḁwala nahone a u nga thivheli Bodo kha u shumisa kana u ita mushumo u kwameaho, sa zwine zwa nga vḁisa zwone.

(3) Muthu we uyo mushumo wa hweswa kana u ḁetshedzwa ha nga ḁo badela na mbadelo dzifḁio na dzifḁio malugana na u itwa ha mushumo kana maanḁa e a hweswa kana u ḁewa nga nḁḁa ha musi mushumo wa u badela mbadelo wo bulwa kha mushumo kana vḁurumelwa.

Thuso ya sipešala

10. Bodo i nga ri tshifḁinga tshiḁwe na tshiḁwe ya thola muthu a re na vḁukoni kana vḁathu u i eletshedza kha ayo mafḁungo a elanaho na mishumo na maanḁa ayo sa zwine ya vḁona zwo tea.

Muvhigo wa nwaha

11. Bodo i ḁo ri hu sa athu fhela miḁwedzi miraru murahu ha mafḁeloni a nḁwaha muḁwe na muḁwe ya vḁea ḁafulani muvhigo wo bulwaho kha khethekanyo ḁḁukhu (3) ya Davhi (3) phanḁa ha Vhusimamilayo.

NDIMA YA 3**NDAULO YA TSHUMELO****U vḁewa ha Muḁwaleli, Vḁafarisa Vḁaḁwaleli na Dzifḁoho**

12. (1) Bodo i ḁo—

- (a) nanga muthu uri a tholwe sa Muḁwaleli nga Vhusimamilayo;
- (b) misi yoḁthe musi i tshi vḁona zwo tea, ya thola Mufarisa Muḁwaleli kana Muḁwaleli wa tshifḁinganyana wa Tshumelo; na
- (c) thola muthu sa ḁoho ya muhasho kana khethekanyo ya Tshumelo.

(2) Muḁwaleli u ḁo vḁa na vḁuḁifḁindleli ha—

- (a) u ŋea thuso kha Vhusimamilayo ha Vundu kha u tshimbidza zwiitwa zwaho, matshimbidzele, na mishumo na u kombetshedza ndayo dzaho na ndaela dza Mulangadzulo;
- (b) ŋea tshumelo dza ndaulo kha Mulangadzulo na miḁwe miraḁo ya Vhusimamilayo ha Vundu; na
- (c) u laula ofisi ya Vḁuḁwaleli.

U Thomiwa ha Ofisi ya Vhuñwaleli

13. (1) Afha hu khou thomiwa Ofisi ya Vhuñwaleli ine ya ɔo vhumbiwa nga—

(a) Muñwaleli;

(b) Vhafarisa Vhañwaleli na Mueletshedzi wa Zwa Milayo Muhulwane; na

(c) Iyo miñwe mirado ya nyengedzedzo kana mirado sa zwine bodo ya nga ta tshifhinga tshiñwe na tshiñwe ngomu ha u thomiwa ho tiwaho.

(2) Ofisi ya Vhuñwaleli i ɔo ita mishumo ye ya ñewa kana ye ya hweswa hu tshi tevhedzwa uyu Mulayo kana Ndaela dze dza ñewa nga Bodo.

(3) Muñwaleli u ɔo isa muvhigo wa mishumo wa Ofisi ya vhuñwaleli kha Bodo nga uho u sielisana na nga iyo ndila ine Bodo ya vhona zwo tea.

Mudzulatshidulo na Mudzulatshidulo wa tshifhinganyana wa Ofisi ya Vhuñwaleli

14. (1) Muñwaleli u ɔo vha Mudzulatshidulo wa Ofisi ya Vhuñwaleli.

(2) Musi Muñwaleli e siho kana musa tshi kundelwa u ita mishumo yawe muthihi wa Vhafarisa Muñwaleli kana Mueletshedzi wa zwa Milayo Muhulwane u ɔo shuma sa Mudzulatshidulo.

Matshimbldzele

15. Hu tshi tevhedzwa mbetshelo dza uyu Mulayo na ndaela dzifhio na dzifhio dzine dza nga ñewa nga Bodo, Ofisi ya Vhuñwaleli i ɔo laula zwitwa zwayo na u ita mishumo yayo nga ayo maitele ane ya vhona o tea.

NDIMA YA 4**NDANGULO NA TSHITAFU****Mihasho na thoho dza mihasho**

16. (1) U itela ndaulo dza Tshumelo hu ɔo vha na mihasho yo tiwaho nga Bodo hu tshi tevhedzwa khethekanyo 8(1)(e).

(2) Muhasho muñwe na muñwe u ɔo vha na thoho ane sa mushumeli a ɔo vha na mishumo wa tshikhala kha theo yo thomiwaho.

(3) Thoho ya muhasho i ɔo vha na vhuḏifhinduleli ha ndaulo, ndango ya vhuḏi na ndaulo ya muhasho wawe hu tshi katelwa na kushumele kwavhuḏi na vhugudisi ha tshitafu, u laula vhuḏifari u tuḏuwedza pfano malugana na mishumo na u shumisa na u fara zwavhuḏi ndaka ya Vhusimamilayo, nahone ene u ɔo shuma mishumo ine ya nga randelwa nga Bodo tshifhinga tshoṱhe.

U tholwa, Mufhiriso, Musudzuluso na u fhedza mishumo

17. (1) U tholwa ha muthu ufho na ufho kana mufhiriso kana musudzuluso wa mushumeli ufho na ufho na maimela a tshumelo ya mushumeli zwi ɔo itwa nga Muñwaleli nga khwaṱhisedzo ya thoho ya Muhasho.

(2) U tholwa, mufhiriso, na musudzuluso na u fhedza mushumo kha Tshumelo zwi do itwa nga ayo maitele na nga kha ayo maimela sa zwine zwa do randelwa nga Bodo.

Munwe Mushumo nga Vhashumeli

18. Nga nnda ha musu zwo vhetshelwa u itela maimela a mushumo wawe—

- (a) mushumeli munwe na munwe u do shumisa tshifhinga tshawe tshothe tsha mushumo kha Tshumelo;
- (b) a hu na mushumeli we a tholwa lwa tshothe kha u thomiwa ho tewaho ane a do ita kana u dinetshedzela u ita mushumo wa malamba u re nnda ha mushumo wawe kha Tshumelo, nga nnda ha thendelo yo newaho nga Bodo; nahone.
- (c) a hu na mushumeli ane a do toda malamba a nyengedzedzo malugana na mushumo ufho na ufho wa tshiofisi kana mushumo une ene a u ita nga u dinetshedzela kana u khou todiwa uri u itwe nga maanda a re na vhukoni.

NDIMA YA 5

NZUDZANYO YA ZWA GWAMA MALUGANA NA TSHUMELO

Dzitshelede dza Tshumelo

19. (1) Ndangulo ya zwibviswa na mukovho wa dzitshelede u itela Tshumelo zwi do hweswa kha Mulangadzulo.

(2) Hu tshi tevhedzwa mbetshelo dza uyu Mulayo, nahone nga nnda ha musu zwo laedzwa nga Bodo, Munwaleli u do vha Muofisiri wa Mbalelano o hweswaho u kuvhanganya, u tangedza, u londota na mbadelo ya dzitshelede u itela Tshumelo, khathihi na u tangedza u londota na u langula ndaka yo kuvhanganyiwaho u itela ndaulo ya Vhusimamilayo.

(3) Munwaleli u do humbela tshede dzine dza do todea u itela Tshumelo u bva kha Mufaragwama wa Vundu.

Ndisedzo ya Tshumelo na Thodea

20. (1) Hu na vhukwamani na Komiti yo Imaho i re na vhudifhinduleli ha zwa Gwama Bodo i nga—

- (a) vhumba Komiti ya Ndisedzo ya Ngomu u itela ndango ya tshumelo na ndisedzo u itela Vhusimamilayo;
- (b) ta vhuhulu, mbumbo na tshikhala tsha Komiti ya Ndisedzo ya Ngomu;
- (c) ta matshimbidzele a no do tevhedzwa nga Komiti ya Ndisedzo ya Ngomu kha u langwa ha ndisedzo na tshumelo dzi todiwaho; na
- (d) ta tshikhala, maimela na hunwe u bulwa ha khontiraka dza ndisedzo:

Tenda ha vha uri sisiteme yo shumiswaho nga Komiti i do vha mbuya, yavhudi, u sa vha na tshidzumbi, u vha na thuthuwedzo na u vha na mbuelo.

(2) Mbumbano ifhio na ifhio ya Komiti ya Nqisedzo ya Ngomu hu tshi tevhedzwa khethekanyo thukhu (2) i do vhewa tafulani kha Vhusimamilayo ha Vundu u itela thendelo, 1975 (Mulayo No. 66 wa 1975).

Tshumiso ya mbetshelo dza Mulayo wa Mulangagwama 1975 (Mulayo No. 66 wa 1975)

21. Mbetshelo dza khethekanyo 7, 14, 33 na 34 dza Mulayo wa Mulangagwama, 1975 (Mulayo No. 66 wa 1975), nahone a hu na dziñwe mbetshelo dza Ndimba I, II, III na IV dza wonoyo Mulayo, dzi do shuma *mutatis mutandis* malugana na tshumelo, voutu, mbalelano, dzitshelede na ndaka ya Vhusimamilayo, nahone kha iyo tshumiso—

- (a) Ndivhiso ifhio na ifhio kha khethekanyo 14, 33 na 34, kha muofisiri wa mbalelano zwi do dzhiwa zwo livhiswa kha Muñwaleli,
- (b) Ndivhiso ifhio na ifhio kha khethekanyo 33(1)(c) kha Mufaragwama i do dzhiwa i ndivhiso kha Mulangadzulo; na
- (c) Ndivhiso ifhio na ifhio kha khethekanyo 34 kha muthu a re kana we a vha e kha mushumo wa muvhuso i do dzhiwa i ndivhiso kha muthu a re kha kana we a vha e kha mushumo wa Vhusimamilayo.

Migaganyo ya zwibviswa

22. (1) Bodo i do lugisa mugaganyo wa zwibviswa wa ñwaha wa mbalelano muñwe na muñwe u itela Tshumelo, nahone musu zwi zwa ndeme i do lugisa mugaganyo u badeleleaho une wa do vhekanyelwa nga u tou ralo.

(2) Mugaganyo wo humbulwaho kha khethekanyo thukhu (1) u do dzudzanywa nga kha maitele o dzudzanyelwaho uri hu vhe na vhukhagala, vhuñdihindleli, ndango ya masheleni yavhuñi ya ekonomi, mulandu, tshumelo dza vhathu, nahone hu tshi tevhedzwa mulayo wa lushaka wo bulwaho kha khethekanyo thukhu (1) ya Khethekanyo 216 ya Mulayotewa kana Mulayo wa Mulangagwama, 1975 (Mulayo No. 66 wa 1975), arali uyo mulayo wa lushaka u sa athu u vhewa.

(3) Mugaganyo wo lugiswaho hu tshi tevhedzwa heyi khethekanyo u do rathiselwa kha Muraño wa Khorotshitumbe a re na vhuñdihindleli ha Gwama u itela tsedzuluso zwi tshi ya nga maimela ane a tshimbilelana na mbetshelo dza khethekanyo 214(1) ya Mulayotewa na maitele o dzudzanyelwaho a nga misi.

Vhulapfu ha tshifhinga tsha Mulayo wa Vhukovheli na zwibviswa zwa ñwaha wa muvhalelano

23. (1) Mulayo wa Vhukovheli wa Tshumelo a u nga do amba zwa u itela u tendela mashumisele a dzitshelede dzo avhelwaho nga u tou ralo ñwahani wa muvhalelano une u si vhe ñwaha wa muvhalelano une wa buletshedza wo livhanyisa nawo.

(2) Hu tshi tevhedzwa mbekanyelo dza khethekanyo 22 zwibviswa kha ñwaha muñwe na muñwe wa mbalelano zwi do shumiswa hu tshi tevhedzwa vhukovheli ha mulayo wo khwañhiswaho wa Tshumelo nahone malugana na voutu iñwe na iñwe hu tshi tevhedzwa khethekanyo khulwane dzazwo, dzine zwidombedzwa zwadzo zwa do faredzwa mugaganyoni wa zwibviswa na mbadelo dzifhio na dzifhio dza mugaganyo wa Tshumelo.

(3) Zwibviswa zwa Tshumelo zwine malugana nazwo hu si vhe kana ha vha ho itwa mbekanyelo i sa linganiho Mulayoni wa vhukovheli a zwi nga ḏiswi kha mbalelano sa mulandu wo livhanyiswaho na voutu nga ṉḁa fhedzi ha—

- (a) afho hune mbekanyelo i si eḁane, Mulangadzulo fhasi ha maanda e a hweswa nga khethekanyo 24(1) o ṉewa thendelo thangeli ya mbulungo nga voutu i kwameaho i tshi shumiswa kha zwibviswa zwenezwo nga fhasi ha divishini ifhio na ifhio khulwane; kana
- (b) musu Bodo yo ṉea thendelo yo tou ṉwalwaho fhasi ha tsaino ya Mulangadzulo nga u tou ralo phanda ha tshifhinga hu tshi tevhedzwa khethekanyo 25.

U shumiswa ha dzimbulungelo kha zwiḁwe zwiwo

24. (1) Mulangadzulo a nga, nga ṉḁa fhedzi ha musu Bodo yo laedzisa nga iḁwe ṉḁila a nga tendela zwauri mbulungelo i re fhasi ha divishini khulwane ya voutu Mulayoni wa vhukovheli ha Tshumelo u swikiswe malugana na mbadelo ya zwibviswa zwa nga ṉḁa fhasi ha iḁwe divishini khulwane ntswa ya voutu yeneyo nthihi: Tenda ha vha uri mbadelo dzi vhonealaho kha “kholomu 2” ya shedulu kha uyo Mulayo wa Mukovho malugana na voutu yo bulwaho a i nga ḁo pfukiwa nahone dzi mbulungo heneḁho a dzi nga ḁo shumiswa u itela muhumbulo nga ṉḁani ha wonoyo we tshelede ya vha yo ṉetshelwa sa zwo sumbedzwaho kha yeneyo shedulu.

(2) Thanganyelo ya tshelede i vhonealaho malugana na voutu yeneyo ya Tshumelo i nga, hu tshi tevhedzwa mbetshelo dza khethekanyo 25 (1)(b)(ii), a i nga ḁo fhiriswa, na dzi mbulungo heneḁho dzi nga shumiswa malugana na mbadelo ya zwibviswa zwiḁwe zwifhio na zwifhio he thahelelo ya mukovho ya itwa fhasi ha voutu yeneyo, hu na then-delo ya Bodo.

(3) Thanganyelo ya tshelede i vhonealaho malugana na voutu yeneyo u itela Tshumelo i nga engedzwa nga tshenetsho tshipiḁa tsha tshelede dzo kovhelwaho voutu khulwane: Khwiniso dza Maimelo a Tshumelo kha shedulu ya Mulayo wa Vhukovheli u itela Tshumelo dza muvhuso sa muofisiri wa mbalelano wa yeneyo voutu, hu na vhuk-wamani na muofisiri wa mbalelano o bulwaho kha 26(1), a nga ta.

Thendelo nga Bodo ya u shumiswa ha dzitshelade kha zwiḁwe zwiwo

25. (1) Hu sa tevhedzwi mbekanyelo dza khethekanyo 21 na 24, Bodo i nga, nga thendelo ya Muraḁo wa Khorotshitumbe a re na vhuḁifhinduleli ha Gwama, ṉea thendelo yo tou ṉwalwaho ya dzitshelade Tshikwamani tsha Mbuelo tsha Vundu dzine dza ḁo shu-miswa ṉwahani wa muvhalelano—

- (a) u vhekanyela tshelede ya u badela zwibviswa zwa tshivhumbeo tsho thaluleaho zwi songo vhekanyelwaho Mulayon i wa vhukovheli nahone zwine zwa nga si fhaḁewe u swikela makovhelwe azwo a tshi itwa nga Vhusimamilayo nga ṉḁa ha u vhaḁa madzangalelo a vhathu; kana

(b) u vhekanyela tshelede ya u badela—

- (i) zwibviswa malugana na mufhiriso wo lavhelelwaho kha voutu ine i nga si haniwe u swikela makovhelwe azwo a tshi itwa nga Vhusimamilayo nga nnda ha u vhaisa madzangalelo a vathu; na
- (ii) zwibviswa malugana na mufhiriso wo lavhelelwaho thanganyelo ya tshelede yo bulwaho Mulayoni wa vhukovheli sa voutu thukhu: Tenda ha vha na uri thanganyelo ya tshelede ine thendelo ya nga newa malugana nayo, hu tshi tevhedzwa hei khethekanyo thukhu tshifhinga tshifhio na tshfhio a i nga vhuyi ya fhira thanganyelo i edanaho na mbalo kha dana mbili ya thanganyelo yo shumiswaho nga Mulayo wa mashumisele we zwenezwo wa vha u tshumisoni.

(2) Bodo i do dzhia vhukando, hu si nga murahu ha tshifhingani tsha dzulo la nwaha la Vhusimamilayo lo tahaho kha vhukovheli ha thanganyelo dzifhio na dzifhio dza tshelede dze dza kana dzine dza do shumiswa malugana na khethekanyo thukhu (1).

Vhuitwa na mishumo ya Muñwaleli

26. (1) Hu tshi tevhedzwa mbekanyelo dza uyu Mulayo, nga nnda fhedzi ha musi zwo laedzwa nga inwe ndila nga Bodo hu sa tevhedzwi voutu yeneyo, Muñwaleli u do vha muofisiri wa mbalelano sa zwo bulwaho kha khethekanyo 19(2).

(2) Muñwaleli u do vha na vhudifhinduleli kha Bodo nga ha zwibviswa na mashumiselwe a dzitshhelede.

(3) Muñwaleli u do vhulunga rekhodo vhukuma ya tshelede dzothe dzo tangedzwaho na u badelwa nga ene na dza mirengelano yo teaho ya zwa Gwama.

(4) Muñwaleli u do vula na u londota banngani yo redzhisitariwaho i re nga fhasi ha Mulayo wa Dzibannga wa, 1990 (Mulayo 94 wa 1990), mbalelano yo tendelwaho nga Bodo, ine khayi ha do vhulungwa tshelede dzothe dzo tangedzwaho nga ene nahone o imela tshumelo, hune kha yeneyo mbalelano ha do itwa mbadelo nahone ho imelwa Tshumelo sa zwe zwa humbuliswa zwone Mulayoni uyu.

(5) Muñwaleli u do saina kana a nga tendela nga u tou nwala muthu kana vathu vha re vhutholwani ha Tshumelo u saina tsheke dzi todeaho dza mbadelo dzi tshi bva kha mbalelano ya bannga yo bulwaho kha khethekanyo thukhu (4).

(6) Hu sa athu fhela minwedzi mivhili murahu ha mafhelo a nwaha wa mbalelano, muñwaleli u do nkedza kha Vhufaragwama ha Vundu uri vhu vhulunge hafhu Mbalelanoni ya Vhulangagwama, ndinganyo ya tshelede i songo lavhelelwaho yo tangedzwaho i tshi bva kha Vhufaragwama.

(7) Hu sa athu fhira minwedzi mivhili murahu ha mafhelo a nwaha wa mbalelano, Muñwaleli u do itisa uri hu lugiswe tshumelo dza mbalelano dzi sumbedzisaho nga vhudodombedzi tshelede dza Tshumelo na dzo i imelaho, dzo tangedzwaho nga ene na zwibviswa zwo shumiswaho nga ene tshifhingani tsha nwaha wa mbalelano u ambiwaho ngawo.

Muṭolo wa muvhalelano wa mbalelano dzo avhelwaho

27. Mbalelano dza Vhusimamilayo dzi ḑo sedzuluswa, ṭolwa nga Muṭolambalelano Muhulwane hu tshi tevhedzwa Mulayo wa Muṭolambalelano Muhulwane, 1995 (Mulayo 12 wa 1995), nahone musi hu tshi khou itwa uho u ṭola ndivhiso kha muofisiri wa Mbalelano na kha vhathu kha tshumelo dza vhathu i ḑo dzhiwa sa ndivhiso kha Muṭwaleli na kha vhathu vha re kha Vhusimamilayo khathihi.

Zwibviswa zwi songo tendelwaho

28. Zwibviswa zwi songo tendelwaho malugana na mbalelano dza Tshumelo sa zwe zwa humbuliswa zwone Mulayoni wa Vhulangagwama wa, 1975 (Mulayo No. 66 wa 1975), zwi ḑo shumiwa hu tshi tevhedzwa mbekanyelo dza Mulayo wonoyo.

NDIMA YA 6**NYANGAREDZO****Mukano wa matshimbizelwe a zwa Mulayo**

29. (1) A hu na vhukando vhu re mulayoni vhune ha ḑo dzhielwa Bodo, vhuṭwaleli kana mutholwa ufho na ufho a re Tshumeloni malugana na nyito yo pomokiwaho ifho na ifho yo itwaho hu tshi tevhedzwa Mulayo uyo kana tsiedzo ifho na ifho yo pomokiwaho u ita tshifho na tshifho tsha tsha vha tsho tea tsho itwa hu tshi tevhedzwa Mulayo uyu, nga nḑa fhedzi ha musi matshimbizelwe eneo o thomiswa hu sa athu u swika magumo a tshifhinga tsha minwedzi ya fumi na mivhili u bva kha deithi ye ngayo muvhili a vha e na nḑivho kana murahu ha deithi ye ngayo muvhili lu pfeseseaho a vha o lavhelelwa u vha e na nḑivho ya nyito yo pomokiwaho kana tsiedzo, yeneyo ine ya vha deithi i rangelaho.

(2) A huna vhukando honoho vhu re mulayoni vhune ha ḑo dzhiwa hu sa athu fhela zwaho nwedzi muthihi murahu ha musi nḑivhadzo yo tou nwalwaho yo no swikiswa kha muhwelelwa ine khayi zwidodombedzwa zwa nḑivhadzo nga ha nyito yo pomokiwaho kha tsiedzo zwa ḑo nwa nga ha u ṭodou itwa ha matshimbizelwe eneo.

(3) Khethekanyo ṭhukhu (1) na (2) a dzi nga sedzwi sa dzi no thivhela khothe ya mulayo kha u phadladza ṭhoda na mithivhelo ya khethekanyo ṭhukhu dzo bulwaho afho hune zwa vha kha dzangalelo la vhulamukanyi.

(4) Mulayo wa khwalo wa shango wa, 1957 (Mulayo 20 wa 1957), u ḑo shumiswa *mutatis mutandis* nga afho hune wa nga shumiswa malugana na Bodo lune kha tshumiso yeneyo mbuletshedzo Mulayoni wa Minista ya muhasho u kwameaho ya ḑo sedzwa sa mbuletshedzo kha Mudzulaphanda wa Bodo.

(5) Musi muthu ufho na ufho a tshi hwalwa nga kana a tshi shumisa tshiendedzi tshifho na tshifho, bufo kana ngalavha ine ya vha ndaka ya Tshumelo kana ya Muvhuso, Bodo kana mutholwa a re Tshumeloni ha nga vhi na vhudifhinduleli kha onoyo muthu kana mufarisi, nwana wawe kana muundiwa wawe kha ndozwo ifho na ifho kana tshinyalelo i bvaho kha u huvhala ha muvhili, u xeelwa nga vhutshilo kana ndozwo kana tshinyalo ya ndaka yo itiswaho kana i bvaho kana ine nga nḑila ifho na ifho ya ṭumana na u hwalwa nga kana u shumiswa ha tshenetsho tshiendedzi, bufo kana ngalavha nga

nnḁa fhedzi ha musī onoyo muthu o hwalwa nga u tou ralo kana a shumisa tshenetsho tshiendedzi dzangaleloni ḁa kana nyitoni ya vhuitwa/mishumo ya Tshumelo: Tenda ha vha na uri mbetshelo dza iyi khethekanyo ṭhukhu a dzi nga kwami vhuḁifhinduleli ha mushumi Tshumeloni we a bveledzisa ndozwo kana tshinyalo yo ambiwaho nga khole vhuḁifhinduleli vhune ya nga vhaiswa ngaho kana ha bveledziswa nga nṭhani ha vhuitwa ha mishumo kana tshumiso ya maandḁa ayo.

Ndindakhombo ya u xeḁelwa kana tshinyalelo

30. Bodo i nga linda Tshumelo malugana na u xeḁelwa, ndozwo, khombo kana mulandu une ya nga vha nawo kana u hwala sa mvelele ya u ita mishumo yayo kana u shumisa maandḁa ayo.

Mbetshelo dza vhurathisi

31. Tshifhio na tshifhio tsho itelwaho nahone ho imelwa Tshumelo na muthu ufhio na ufhio kana vhathu vho tholwaho kha tshiṭafu tsha Vhusimamilayo phandḁa ha mathomo a Mulayo uyu tshi ḁo dzhiwa sa tsho itwaho kana u ḁo dzhiwa sa o tholwaho hu tshi tevhedzwa mbekanyelo dza uyu Mulayo.

Dzina ḁipfufhi na mathomo

32. Mulayo uyu u ḁo vhidzwa upfi Mulayo wa Tshumelo wa Vhusimamilayo ha Vundu ḁa Devhula, wa 1997 nahone u ḁo thoma u shuma nga deithi yo tiwaho nga Premia nga Mulevho kha Gazete ya Vundu.

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 16**5 Augustus 1998**

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

No. 3 van 1997: Wet op die Wetgewersdiens van die Noordelike Provinsie, 1997.

WET

Om voorsiening te maak vir die instelling van 'n diens vir die Wetgewer; vir die instelling van die Wetgewersdiensraad; vir die organisasie en administrasie van die Diens; vir die bepaling van die begroting van die Diens, en vir bykomstige aangeleenthede.

(Engelse teks deur die Premier onderteken)
(Bekragtiging op 10 Julie 1998)

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

Woordomskrywing

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

"Adjunk-Speaker" die Adjunk-Speaker van die Provinsiale Wetgewer verkies ingevolge artikel 111 van die Grondwet;

"Diens" die Wetgewersdiens ingestel ingevolge artikel 2;

"boekjaar" die tydperk van 1 April in enige jaar tot 31 Maart in die daaropvolgende jaar;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

"Leier van die Huis" 'n lid deur die Wetgewer vir die doeleindes van artikel 4(1) aangestel;

"Lid" enige verkose lid van die Wetgewer van die Noordelike Provinsie;

"Provinsiale Inkomstefonds" die Provinsiale Inkomstefonds vir die Provinsie ingestel ingevolge artikel 226(1) van die Grondwet;

"Raad" die Wetgewersdiensraad ingevolge artikel 3 ingestel;

"Raadslid" 'n persoon bedoel in artikel 4(1);

"Sekretariaat" die sekretariaat ingevolge artikel 13 ingestel;

"Sekretaris" die Sekretaris van die Wetgewer deur die Wetgewer in daardie amp aangestel;

"Speaker" die Speaker van die Wetgewer ingevolge artikel 111 van die Grondwet verkies;

"Staaende Komitee van die Huis" die staande komitee bedoel in die Reglement van die Provinsiale Wetgewer.

"vaste diensstaat" die poste wat vir die normale en gereelde vereistes van die Diens geskep is;

"besoldiging" die totale emolumente aan 'n werknemer betaalbaar, met inbegrip van basiese salaris, vergoedende toelae of ander belonings, die Diens se bydrae tot 'n pensioenfonds en 'n mediese hulpfonds en ander byvoordele;

"Voorsitter van Komitees" 'n lid ingevolge die Reglement van die Wetgewer van die Wetgewer van die Noordelike Provinsie verkies tot Voorsitter van die voorsitters van al die komitees van die Provinsiale Wetgewer;

"werknemer" enige persoon wat permanent op die vaste diensstaat aangestel is of wat op 'n tydelike of konsultasiebasis in diens is, hetsy in 'n voltydse of deeltydse hoedanigheid.

HOOFSTUK 1

WETGEWERSDIENS

Instelling van Wetgewersdiens

2. Ooreenkomstig die Grondwet en die Reglement van die Provinsiale Wetgewer word die Wetgewersdiens hierby ingestel, waarvan die vernaamste pligte is om administratiewe dienste aan die Speaker en ander lede te lewer.

HOOFSTUK 2

WETGEWERSDIENSRAAD

Instelling van Wetgewersdiensraad

3. (1) Hierby word die Wetgewersdiensraad van die Noordelike Provinsie ingestel, wat die werksaamhede en bevoegdhede het wat kragtens hierdie Wet of by besluit van die Wetgewer aan die Wetgewersdiensraad opgedra word.

(2) Die Raad is bevoeg om die voorrade en toerusting wat hy redelikerwys nodig ag, te verkry en te hou, en kan van sodanige voorrade en toerusting as wat ondiensbaar word, ontslae raak: Met dien verstande dat niks in hierdie wetsbepaling vertolk sal word as dat die Raad 'n regs persoonlikheid gegee word nie.

(3) Ten opsigte van die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede is die lede van die Raad afsonderlik en gesamentlik verantwoordingspligtig teenoor die Provinsiale Wetgewer, en, sal 'n geskrewe verslag indien by die Wetgewer ten minste een keer elke jaar.

Samestelling van Raad

4. (1) Die Raad bestaan uit—

- (a) die Speaker;
- (b) die Adjunk-Speaker;
- (c) die Voorsitter van Komitees;
- (d) die Leier van die Huis;
- (e) die Sekretaris; en
- (f) minstens twee lede by besluit van 'n spesiale meerderheid van twee derdes van die Wetgewer aangestel: Met dien verstande dat twee Raadslede lede van verskillende minderheidspartye is.

(2) Behoudens die bepalings van subartikel (3) hou 'n Raadslid wat ingevolge paragraaf (f) van subartikel (1) aangestel is, op om lid van die Raad te wees indien—

- (a) hy of sy ophou om 'n lid van die Wetgewer te wees;
- (b) sy of haar aanstelling deur die Wetgewer ingetrek word;
- (c) hy of sy skriftelik bedank; of
- (d) hy of sy om enige ander rede nie in staat is om verder as 'n Raadslid te dien nie.

(3) Indien die Wetgewer ontbind word of sy termyn verstryk, gaan die Raad voort om te funksioneer, en 'n Raadslid bly lid van die Raad totdat die nuwe Wetgewer na 'n algemene verkiesing byeengeroep is en sy ampdraers verkies is, waarna die Raad hersaamgestel word soos beoog in subartikel (1).

Voorsitter

5. (1) Die Speaker is die voorsitter van die Raad, en wanneer hy of sy afwesig is, tree die Adjunk-Speaker as voorsitter op, en wanneer albei afwesig is, tree die Voorsitter van Komitees as voorsitter op.

(2) Ondanks andersluidende bepalings van hierdie Wet moet die Speaker tussen opeenvolgende vergaderings van die Raad al die werksaamhede verrig en al die bevoegdhede uitoefen ingevolge hierdie Wet aan die Raad opgedra. Met dien verstande dat sodanige verrigting van werksaamhede deur die Speaker, verwys word na en oorweeg word deur die Raad ten tyde van die eerste vergadering na sodanige verrigting.

Vakature

6. Wanneer 'n vakature in die Raad ontstaan, moet dit gevul word, indien die Wetgewer—

- (a) in sitting is, binne vyf werksdae; en
- (b) nie in sitting is nie, binne vyf werksdae na die aanvang van die daaropvolgende sitting.

Prosedure van Raad

7. (1) Behoudens die bepalings van hierdie artikel kan die Raad sy verrigtinge reël en sy werksaamhede verrig op die wyse wat hy gepas ag.

(2) Vergaderings van die Raad word gehou op die tye en plekke wat die Voorsitter van tyd tot tyd bepaal.

(3) Die Voorsitter of enige drie Raadslede kan te eniger tyd 'n spesiale vergadering van die Raad belê.

(4) 'n Kworum vir enige vergadering van die Raad is vier lede.

(5) Behoudens subartikel (4) is geen handeling verrig of besluit geneem deur die Raad ongeldig bloot op grond van die afwesigheid van 'n Raadslid of 'n vakature in die Raad nie.

(6) Ten einde die oogmerk van hierdie Wet te bereik en die gees van die lewering van doeltreffende dienste aan die Provinsiale Wetgewer moet die Raad in sy werkwyse konsensus nastreef.

(7) By afwesigheid van konsensus sal die saak besleg word deur 'n meerderheidstem.

Werksaamhede en bevoegdhede van Raad

8. (1) Die Raad—

- (a) bepaal die grootte en organisasie van die vaste diensstaat;
- (b) na oorleg met die betrokke komitee van die Wetgewer, waar nodig geag, bepaal die dienste wat deur die Diens gelewer moet word en stel die nodige struktuur in vir die verskaffing van genoemde dienste;
- (c) hou toesig oor die lewering en administrasie van die dienste;
- (d) bepaal—
 - (i) die besoldiging en ander diensvoorwaardes;
 - (ii) die voorwaardes van aftrede en die behoud van dienste;
 - (iii) die voorwaardes van ontslag; en
 - (iv) die reëls wat die ondersoek van 'n aanklag van wangedrag teen werknemers in die Diens reël;
- (e) stel departemente vir die Diens in, en vermeerder of verminder die aantal departemente en organiseer hulle in afdelings en onderafdelings;
- (f) tref die reëlins wat hy dienstig ag vir en in verband met die verdeling, amalgamasie of afskaffing van enige departement, afdeling of onderafdeling;
- (g) verrig enige ander werksaamhede wat deur besluite van die Wetgewer aan hom opgedra of opgelê is;

- (h) onderhandel met werknemers of verteenwoordigers van werknemers-organisasies; en
 - (i) oorweeg enige aangeleentheid na hom verwys.
- (2) Die Raad kan lasgewings uitreik—
- (a) oor—
 - (i) die vereistes aangaande die ouderdom van persone, en die opvoedkundige, taal- en ander kwalifikasies wat hulle moet besit vir doeleindes van aanstelling, oorplasing en bevordering in of na die Diens; en
 - (ii) die klasse poste en betrekkings ten opsigte waarvan, die omstandighede waarin en die voorwaardes waarop die Sekretariaat of enige werknemer aan wie die Sekretariaat die bevoegdheid van aanstelling, oorplasing of bevordering gedelegeer het, ander kwalifikasies as die beoog in subparagraaf (i) kan vereis;
 - (b) oor die gesondheidsvereistes waaraan 'n persoon moet voldoen voordat hy of sy as 'n werknemer aangestel kan word;
 - (c) oor die sekuriteitsvereistes waaraan werknemers moet voldoen, wanneer hy dit ook al nodig ag;
 - (d) oor die opleiding wat werknemers moet ondergaan;
 - (e) oor inligtingstechnologie; en
 - (f) oor enige ander aangeleenthede waarvoor daar nie spesifiek in hierdie Wet voorsiening gemaak is nie en wat betrekking het op of voortspruit uit personeelpraktyke sowel as die indiensnemings- en ander loopbaaninsidente, en die diensvoorwaardes in die algemeen van werknemers in die Diens: Met dien verstande dat so 'n lasgewing nie teenstrydig met hierdie Wet is nie.

Delegasie van werksaamhede en bevoegdhede van Raad

9. (1) Die Raad kan, behoudens die voorwaardes soos deur hom bepaal, enige werksaamheid of bevoegdheid wat by of kragtens hierdie Wet of deur die Wetgewer aan hom opgedra of verleen is, skriftelik opdra of deleger aan 'n Raadslid, die Sekretaris of enige ander werknemer,

(2) So 'n opdrag of delegasie is skriftelik herroepbaar, en belet nie die Raad om self die betrokke werksaamheid te verrig of bevoegdheid uit te oefen nie, na gelang van die geval.

(3) Die persoon aan wie so 'n werksaamheid of bevoegdheid gedelegeer of opgedra is, gaan nie enige koste in verband met die verrigting of uitoefening daarvan aan nie, tensy die werksaamheid om koste aan te gaan uitdruklik aldus in die opdrag of delegasie uiteengesit is.

Spesiale bystand

10. Die Raad kan van tyd to tyd 'n bevoegde persoon of persone aanstel om hom te adviseer oor die aangeleenthede binne die bestek van sy werksaamhede en bevoegdhede wat hy nodig ag.

Jaarverslag

11. Die Raad moet hoogstens drie maande na die einde van elke jaar 'n verslag voor die Wetgewer ter tafel lê soos bedoel in subklousule (3) van Klousule 3.

HOOFSTUK 3**BESTUUR VAN DIENS****Aanstelling van Sekretaris, Adjunk-Sekretaris en Hoofde**

12. (1) Die Raad moet—
- (a) 'n persoon benoem wat deur die Wetgewer as Sekretaris aangestel kan word;
 - (b) wanneer hy dit ook al nodig ag, 'n Adjunk-Sekretaris of 'n Waarnemende Sekretaris van die Diens aanstel; en
 - (c) 'n persoon aanstel as hoof van 'n departement of afdeling van die Diens.
- (2) Die Sekretaris is daarvoor verantwoordelik om—
- (a) bystand te verleen aan die Wetgewer in die uitvoer van sy verrigtinge, prosedures en sake, en om sy reëls en die bevele van die Speaker af te dwing.
 - (b) administratiewe dienste te lewer aan die Speaker en ander lede van die Provinsiale Wetgewer; en
 - (c) die Sekretariaat te bestuur.

Instelling van Sekretariaat

13. (1) Hierby word 'n Sekretariaat ingestel, wat bestaan uit—
- (a) die Sekretaris;
 - (b) die Adjunksekretaris en die Senior Regsadviseur; en
 - (c) die ander addisionele lid of lede wat die Raad van tyd tot tyd bepaal, binne die vaste diensstaat.
- (2) Die Sekretariaat verrig die werksaamhede wat ingevolge hierdie Wet of lasgewings uitgereik deur die Raad aan hom opgedra of verleen word.
- (3) Die Sekretaris moet aan die Raad 'n verslag oor die werk van die Sekretariaat voorlê met die tussenposes en in die vorm wat die Raad bepaal.

Voorsitter en waarnemende voorsitter van Sekretariaat

14. (1) Die Sekretaris is die Voorsitter van die Sekretariaat.

(2) Wanneer die Sekretaris afwesig is of nie in staat is om sy of haar werksaamhede te verrig nie, tree die Adjunk-Sekretaris of die Senior Regsadviseur as Voorsitter op.

Prosedure

15. Behoudens die bepalings van hierdie Wet en enige lasgewing deur die Raad uitgereik, reël die Sekretariaat sy verrigtinge en verrig hy sy werksaamhede op die wyse wat hy goed ag.

HOOFSTUK 4**ORGANISASIE EN PERSONEEL****Departemente en departementshoofde**

16. (1) Vir doeleindes van die administrasie van die Diens is daar departemente soos deur die Raad bepaal ingevolge artikel 8(1)(e).

(2) Elke departement het 'n hoof wat as werknemer die bekleër van die pos of die vaste diensstaat is.

(3) 'n Departementshoof is verantwoordelik vir die doeltreffende bestuur en administrasie van die betrokke departement, met inbegrip van die doeltreffende gebruik en opleiding van personeel, die handhawing van dissipline, die bevordering van gesonde arbeidsverhoudinge en die behoorlike gebruik en versorging van eiendom van die Wetgewer, en hy of sy moet die werksaamhede verrig wat van tyd tot tyd deur die Raad voorgeskryf word.

Aanstelling, bevordering, oorplasing en diensbeëindiging

17. (1) Die aanstelling van enige persoon of die bevordering of oorplasing van 'n werknemer word gedoen, en die diensvoorwaardes van werknemers word bepaal, deur die Sekretaris op aanbeveling van die departementshoof.

(2) Aanstellings, bevorderings en oorplasings en diensbeëindiging in die Diens word gedoen op die wyse en op die voorwaardes wat die Raad voorskryf.

Ander werk deur werknemers

18. Tensy daar in sy of haar indiensnemingsvoorwaardes anders bepaal word—

- (a) moet elke werknemer die geheel van sy of haar werkstyd tot beskikking van die Diens stel;
- (b) mag geen werknemer wat permanent op die vaste diensstaat in diens geneem is, sonder toestemming van die Raad besoldigde werk buite sy of haar werk in die Diens verrig of hom of haar verbind om dit te verrig nie; en

- (c) mag geen werknemer enige bykomende vergoeding eis ten opsigte van enige amptelike plig of werk wat hy of sy vrywillig verrig of deur 'n bevoegde gesag vereis word om te verrig nie.

HOOFSTUK 5

FINANSIËLE REËLINGS TEN OPSIGTE VAN DIENS

Gelde vir Diens

19. (1) Die beheer oor die uitgawes van en die begroting van gelde vir die Diens berus by die Sekretaris.

(2) Onderworpe aan die bepalings van hierdie Wet, en tensy anders bepaal deur die Raad, sal die Sekretaris die Rekenpligtige Beampte wees wat verantwoordelik is vir die invordering, ontvangs, bewaring en uitbetaling van gelde vir die diens sowel as die ontvangs, bewaring en beheer van eiendom wat vir die administrasie van die Wetgewer verkry is.

(3) Die Sekretaris sal die fondse benodig vir die Diens van die Provinsiale Tesourie aanvra.

Verskaffing van Dienste en Voorrade

20. (1) Na oorlegpleging met die Staande Komitee verantwoordelik vir finansiële sake, kan die Raad—

- (a) 'n Interne Voorrade Komitee saamstel vir die verskaffing van dienste en voorrade vir die Wetgewer;
- (b) die grootte, struktuur en duur van die Interne Voorrade Komitee bepaal;
- (c) die prosedures bepaal wat gevolg moet word deur die Interne Voorrade Komitee in die verkryging van vereiste dienste en voorrade; en
- (d) die bepalings, voorwaardes en ander spesifikasies van verskaffingskontrakte bepaal:

Met dien verstande dat die sisteem wat gebruik word deur die Komitee regverdig, onpartydig, deursigtig, mededingend en koste-effektief sal wees.

(2) Enige samestelling van 'n Interne Voorrade Komitee ingevolge subartikel (1) moet in die Wetgewer ter tafel gelê word vir goedkeuring.

Toepaslikheid van die bepalings van die Skatkiswet, 1975 (Wet No. 66 van 1975)

21. Die bepalings van artikel 7, 14, 33 en 34 van die Skatkiswet, 1975 (Wet No. 66 van 1975), en geen ander bepalings van Hoofstuk I, II, III en V van die genoemde Wet, sal *mutatis mutandis* van toepassing wees ten opsigte van dienste, begrotingspos, rekeninge, gelde en eiendom van die Wetgewer en in so 'n toepassing sal—

- (a) enige verwysing in Artikel 14, 33 en 34 na 'n rekenpligtige beampte geag word as verwysend na die Sekretaris;
- (b) enige verwysing in Artikel 33(1)(c) na die Tesourie geag word as verwysend na die Speaker;

- (c) enige verwysing in Artikel 34 na 'n persoon wat in diens van 'n departement is of was, geag word as 'n persoon wat in diens van die Wetgewer is of was.

Begrotings van uitgawe

22. (1) Die Raad moet vir elke boekjaar 'n begroting van uitgawes opstel wat uit die Provinsiale Inkomstefonds bestry moet word, en moet, wanneer dit ook al nodig is, 'n aansuiweringsbegroting opstel wat aldus bestry moet word.

(2) 'n Begroting beoog in subartikel (1) moet voorberei word deur 'n begrotingsproses wat deursigtigheid, toerekenbaarheid en doeltreffende finansiële bestuur van die ekonomie, skuld en die openbare sektor verseker en ingevolge nasionale wetgewing soos na verwys in subartikel (1) van Klousule 216 van die Grondwet of die Skatkiswet, 1975 (Wet No. 66 van 1975), indien sodanige wetgewing nog nie bepaal is nie.

(3) 'n Begroting opgestel ingevolge hierdie artikel moet aan die Lid van die Uitvoerende Raad in beheer van Finansies gestuur word vir oorweging in ooreenstemming met 'n prosedure wat ooreenkom met die bepalings van artikel 214(1) van die Grondwet en die gewone begrotingsproses.

Duur van Begrotingswet en besteding in boekjaar

23. (1) 'n Begrotingswet vir die Diens word nie so uitgelê dat dit die gebruik van gelde wat daarby bewillig word, in 'n ander boekjaar as die een waarop dit uitdruklik betrekking het, magtig nie.

(2) Behoudens die bepalings van artikel 22 moet besteding in elke boekjaar geskied ooreenkomstig staande statutêre bewilligings vir die Diens, en ten opsigte van elke begrotingspos, ooreenkomstig die hoofindelings daarvan, waarvan die besonderhede vervat is in die begroting van uitgawes en enige aansuiweringsbegroting vir die Diens.

(3) Besteding van die Diens ten opsigte waarvan geen of onvoldoende voorsiening gemaak is in 'n Begrotingswet, mag nie as 'n finale debiet teen 'n begrotingspos in berekening gebring word nie, tensy—

- (a) in die geval van onvoldoende voorsiening, die Speaker, kragtens die bevoegdheid aan hom of haar verleen ingevolge artikel 24(1), vooraf goedkeuring verleen het dat 'n besparing onder enige hoofindeling van die betrokke begrotingspos vir sodanige besteding aangewend kan word; of
- (b) die Raad, onder handtekening van die Speaker, vooraf skriftelik magtiging daartoe verleen het ingevolge artikel 25.

Gebruik van besparings in sekere omstandighede

24. (1) Die Speaker kan, tensy anders gelas deur die Raad, goedkeur dat 'n besparing onder 'n hoofindeling van 'n begrotingspos in 'n Begrotingswet vir die Diens aangewend word om oorbesteding onder 'n ander hoofindeling of besteding onder 'n nuwe hoofindeling van dieselfde begrotingspos te dek: met dien verstande dat bedrae wat in "Kolom 2," van 'n skedule tot so 'n Begrotingswet met betrekking tot so 'n begrotingspos nie oorskry sal word nie, en die besparings daarop nie gebruik sal word vir 'n doel anders as dit waarvoor die geld toegewys is in so 'n skedule nie.

(2) Die bedrae wat ten opsigte van 'n spesifieke begrotingspos vir die Diens verskyn, mag, behoudens die bepalings van artikel 25(1)(b)(ii), nie oorskry word nie, en besparings daarop kan, met goedkeuring van die Raad, aangewend word vir die bestryding van enige ander uitgawe waarvoor onvoldoende begroot is onder sodanige begrotingspos.

(3) 'n Bedrag wat ten opsigte van 'n spesifieke begrotingspos vir die Diens verskyn, kan vermeerder word met sodanige deel van die gelde wat vir die hoofbegrotingspos Verbetering van Diensvoorwaardes in 'n bylae by die Begrotingswet vir die dienste van die Staat begroot is, as wat die rekenpligtige beamppte vir daardie begrotingspos, in oorleg met die rekenpligtige beamppte bedoel in artikel 26(1), bepaal.

Magtiging deur Raad vir gebruik van geld in sekere omstandighede

25. (1) Ondanks die bepalings van artikels 21 en 24 kan die Raad, na oorlegpleging met die Lid van die Uitvoerende Raad in beheer van Finansies, skriftelik magtiging verleen dat geld in die Provinsiale Inkomstefonds gedurende 'n boekjaar gebruik kan word—

- (a) om besteding van 'n uitsonderlike aard te dek waarvoor daar nie in 'n Begrotingswet voorsiening gemaak is nie en wat nie sonder ernstige nadeel vir die openbare belang uitgestel kan word totdat die Wetgewer fondse daarvoor kan bewillig nie; of
- (b) om besteding te dek—
 - (i) in verband met 'n verwagte oorskryding van 'n begrotingspos wat nie sonder ernstige nadeel vir die openbare belang uitgestel kan word totdat die Wetgewer fondse daarvoor kan bewillig nie; en
 - (ii) in verband met 'n verwagte oorskryding van 'n bedrag bedoel in 'n Begrotingswet as 'n Begrotingsweg as 'n subbegrotingspos:

Met dien verstande dat die totale bedrag ten opsigte waarvan magtiging ingevolge hierdie subartikel verleen kan word, op geen tydstip 'n bedrag gelyk aan twee persent van die totale bedrag wat by die dan geldende Begrotingswet bewillig is, mag oorskry nie.

(2) Die Raad moet, nie later nie as gedurende die volgende jaarlikse sitting van die Wetgewer, stappe doen ter bewilliging van enige bedrae wat ingevolge subartikel (1) gebruik is of gebruik gaan word nie.

Werksaamhede en pligte van Sekretaris

26. (1) Behoudens die bepalings van hierdie Wet, en tensy deur die Raad anders gelas ten opsigte van 'n spesifieke begrotingspos, is die Sekretaris die rekenpligtige beamppte wat in Artikel 19(2) beoog word.

(2) Die Sekretaris is verantwoordingspligtig teenoor die Raad vir die besteding en begroting van geld.

(3) Die Sekretaris moet behoorlik rekord gehou van alle gelde deur hom of haar ontvang en uitbetaal, en van alle tersaaklike finansiële transaksies.

(4) Die Sekretaris moet by 'n bank wat kragtens die Bankwet, 1990 (Wet No. 94 van 1990), geregistreer is en deur die Raad goedgekeur is, 'n rekening open en onderhou waarin alle gelde wat deur hom of haar vir en namens die Diens gemaak moet word soos beoog is hierdie Wet.

(5) Die Sekretaris moet die tjeks nodig vir betalings uit die bankrekening beoog in subartikel (4) onderteken, of kan 'n persoon of persone in diens van die Diens skriftelik magtig om dit te onderteken.

(6) Binne twee maande na die einde van 'n boekjaar moet die Sekretaris enige onbestede balans van gelde wat van die Tesourie ontvang is, 'n handig aan die Tesourie vir terugstorting van die Skatkisrekening.

(7) Binne twee maande na die einde van elke boekjaar, moet die Sekretaris rekeningstate laat opstel wat in besonderhede die gelde toon wat vir en namens die Diens deur hom of haar ontvang is, en die uitgawes wat deur hom of haar gedurende die betrokke boekjaar aangegaan is.

Ouditering van Begrotingsrekeninge

27. Die rekening van die Wetgewer sal nagegaan, ondersoek en geouditeer word deur die Ouditeur-generaal ingevolge die Wet op die Ouditeur-Generaal, 1995, (Wet No. 12 van 1995), en in die uitvoering van so 'n audit sal verwysings na die rekenpligte beampte en persone in die staatsdiens respektiewelik geag word as verwysings na die Sekretaris en persone in diens van die Wetgewer.

Ongemagtigde uitgawes

28. Daar moet met ongemagtigde uitgawes met betrekking tot die rekening van die Diens, soos beoog in die Skatkiswet, 1975 (Wet No. 66 van 1975), gehandel word ooreenkomstig die bepalings van daardie Wet.

HOOFSTUK 6

ALGEMEEN

Beperking van regsgedinge

29. (1) Geen regsgeeding word teen die Raad, die Sekretariaat of enige werknemer in die Diens ingestel nie ten opsigte van enige beweerde handeling wat ingevolge hierdie Wet verrig is of enige beweerde versuim om iets te doen wat ingevolge hierdie Wet gedoen moes word, tensy so 'n geding ingestel word voor die verstryking van 'n tydperk van 12 kalendermaande na die datum waarop die eiser kennis gekry het, of redelikerwys verwag kon word om kennis te gekry het, van die beweerde handeling of versuim, welke datum ook al die vroegste is.

(2) Geen sodanige regsgeeding word ingestel voor die verstryking van ten minste een kalendermaand nadat 'n skriftelike kennisgewing, waarin besonderhede verstrekkend word van die beweerde handeling of versuim en die bedoeling om sodanige geding in te stel, aan die verweerder verskaf is nie.

(3) Subartikels (1) en (2) word nie so uitgelê dat dit 'n geregshof belet om af te sien van die vereistes of verbodsbepalings van genoemde subartikels waar dit in belang van geregtigheid is nie.

(4) Die Wet op Staatsaanspreeklikheid, 1957 (Wet No. 20 van 1957), is *mutatis mutandis* van toepassing vir sover dit ten opsigte van die Raad toepaslik is, en by sodanige toepassing word 'n verwysing in daardie Wet na die Minister van 'n betrokke departement uitgelê as 'n verwysing na die Voorsitter van die Raad.

(5) Wanneer 'n persoon vervoer word in, of gebruik maak van, 'n voertuig, lugvaartuig of vaartuig wat die eiendom van die Diens of die Staat is, is die Raad of 'n werknemer in die Diens nie aanspreeklik teenoor so 'n persoon of sy of haar gade, ouer, kind of ander afhanklike vir enige verlies of skade as gevolg van enige liggaamlike besering, lewensverlies of verlies van of skade aan eiendom wat veroorsaak is deur, of voortspruit uit, of op enige wyse verband hou met, die vervoer in of gebruik van sodanige voertuig, lugvaartuig of vaartuig nie, tensy so 'n persoon aldus vervoer word of daarvan gebruik maak in belang van, of in die verrigting van die werksaamhede van, die Diens: Met dien verstande dat die bepalings van hierdie subartikel nie die aanspreeklikheid van 'n werknemer in die Diens wraak wat genoemde verlies of skade opsetlik veroorsaak het nie.

Versekering teen verlies of skade

30. Die Raad kan die Diens verseker teen enige verlies, skade, risiko of aanspreeklikheid wat hy kan ly of oploop as gevolg van die verrigting van sy pligte of die uitoefening van sy bevoegdhede.

Oorgangsbepaling

31. Enigiets wat vir of namens die Diens gedoen is en enige persoon of persone wat op die personeel van die Wetgewer aangestel is, voor die inwerkingtreding van hierdie Wet, word geag ingevolge hierdie Wet gedoen of aangestel te wees.

Kort titel en inwerkingtreding

32. Hierdie Wet heet die Wet op die Wetgewersdiens van die Noordelike Provinsie, 1997, en tree in werking op 'n datum wat die Premier deur Proklamasie in die *Provinsiale Koerant* bepaal.

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001. Tel. (012) 323-9731 x 260

Also available at The Provincial Administration: Northern Province, Private Bag X9483, Office of the Premier, 26 Bodenstein Street, Pietersburg, 0699. Tel. (0152) 295-3910

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001. Tel. (012) 323-9731 x 260

Ook verkrygbaar by Die Provinsiale Administrasie: Noordelike Provinsie, Privaat Sak X9483, Kantoor van die Premier, Bodensteinstraat 26, Pietersburg, 0699. Tel. (0152) 295-3910