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PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 4

1999

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

No. 5 of 1998: Northern Province Health Service Act, 1998

ACT

To consolidate the laws relating to health services facilities of the Northern Province and to provide for matters incidental thereto

(English text signed by the Premier)

(Assented on 4 January 1999)

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

Definitions

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

“**administration**” means the Northern Provincial Administration including the Government of the Northern Province;

“**board**” means a health services board constituted in terms of section 11;

“**Department**” means the department responsible for health services in the province;

“**district**” means any demarcated geographical district referred to in section 2;

“**District Health Authority**” means a board constituted for a district; in terms of section 2 (1) (b) and chapter III;

“**district health facility**” means a facility designated as such by the member in terms of section 2 (a) (a);

“**district manager**” means a manager referred to in section 4;

“**financial year**” means the period between the first day of April in any year and the thirty-first day of March in the year next succeeding, both days inclusive;

“**Government**” means the Government of the Northern Province;

"Head of Department" means the head of department appointed as the Accounting Officer responsible for health referred to in section 4.

"health facility" means any health service facility referred to in section 2 (2).

"health service" means any service provided in, or in support of health facilities and referred to in section 2(2) and (4);

"in-patient" means a patient who is admitted in a health facility;

"Local Government" means a local government constituted in terms of Chapter 7 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

"practitioner" means any person registered as a professional in terms of the provisions of the Medical, Dental and Supplementary Health Service Act, 1974 (Act No. 56 of 1974), the Pharmacy Act, 1974 (Act No. 53 of 1974), or the Nursing Act, 1957 (Act No. 69 of 1957);

"Provincial referral health facility" means a facility designated as such by the member in terms of section 2(4)(c);

"Regional referral health facility" means a facility designated as such by the member in terms of section 2(4)(b);

"Member" means the Member of the Executive Council who is responsible for health;

"out-patient" means a patient who is not admitted to a health service facility and who attends there for treatment;

"private health services facility" means a health services facility which is not a health services facility of which the Northern Provincial Government (including the Administration) nor a local government is the owner nor which is managed by the Provincial Government or a local government;

"private practitioner" means—

- (a) a practitioner who is not in the full time service of the Provincial Government; or
- (b) a medical practitioner who is not the holder of a teaching appointment in terms of section 47(1) or in terms of section 48;

"special function health facility" means any facility specifically set aside for treatment of tuberculosis, psychiatric illness or any other condition and designated as such by the member in terms of section (3)(d);

"this Act" includes the regulations; and

"treatment" includes the preventative provision of—

- (a) food and accommodation;
- (b) nursing care;
- (c) medical, surgical, obstetric, dental, therapeutic or rehabilitative treatment; and
- (d) diagnostic procedures.

CHAPTER I

ESTABLISHMENT AND ORGANISATION OF HEALTH SERVICES

Establishment and organisation of health services

2. (1) The Member may for purposes of efficient administration and rendering of effective and comprehensive health services in the Province, by notice in the *Provincial Gazette*—

- (a) demarcate districts each of which shall consist of one or more Local Government areas and determine the name by which such district shall be known;
- (b) in respect of each district so proclaimed establish a District Health Authority by agreement with the local governments concerned as contemplated in section 156(4) of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996); and
- (c) amend or withdraw any such notice in the *Provincial Gazette* if it is in the interest of effective administration.

(2) The provisions in Chapter III apply to district health authorities: Provided that all boards and committees constituted for district health services and facilities, excluding those identified in terms of subsections 2(4)(b), (c) and (d), are subordinate to the District Health Authority in which district they are located.

(3) The Member may establish health facilities and services within districts referred to in subsection (1):

- (a) outreach services to be provided from mobile facilities;
- (b) clinics;
- (c) health centres with capacity of short-stay admission;
- (d) health services facilities for admission and treatment of patients;
- (e) offices and institutions for the management or provision of other health services.

(4) The Member may designate identified health services facilities to serve as—

- (a) district health facilities;
- (b) regional referral health facilities;
- (c) provincial referral health facilities; and
- (d) special function health facilities or institutions.

(5) The Member may establish and maintain for the purposes of supporting health care services facilities—

- (a) ambulance and medical emergency services;
- (b) transport services;
- (c) depots for the manufacture and repair of orthopaedic, surgical, medical and other appliances and equipment;

- (d) pharmaceutical and other supply depots;
- (e) laundries;
- (f) colleges and schools of nursing or other institutions for the training of persons for services in the Department;
- (g) catering services; and
- (h) any other service or institution which may be necessary for achieving the objects of this Act.

(6) Any health services facility or institution of the nature described in subsection (2), (3) or (4) and established in the Province prior to the commencement of this Act, shall be deemed to have been established in terms of this section.

General powers of the Member of the executive Council

3. The Member shall in consultation with the MEC responsible for public works—
- (1) make provisions for the accommodation and board of the staff of any health facility, institution or service established in terms of section 2;
 - (2) hire, lease, rent, acquire, purchase, erect, build or otherwise use such accommodation or services as may be necessary for the achievement of the objects and purposes of this chapter and may direct that any such accommodation or service shall be part of an existing health service, facility or institution established in terms of section (2); or
 - (3) subject to the consent of the treasury and to the provisions of section 5, let or sell movable or immovable property acquired by the Administration for any of the objects of this Act.

Local control and management of health services facilities, institutions and services

4. The local control and management of every district health service and of every institution or service established in terms of section 2, shall be vested in a person who is appointed by the Member as the manager thereof, and every such person—

- (1) shall be subordinate to the Head of Department for the efficient control and management of the district or health services facility placed in his or her charge. Any power, right, function or duty conferred or imposed on any such person in terms of the provisions of this Act or the regulations made thereunder, must be exercised subject to such directions as the head of Department may give that are not inconsistent with the provisions of this Act or the regulations; and
- (2) may be appointed in a full-time or part-time capacity.

Acceptance of bequests, donations or subscriptions

5. (1) The Member or the Head of Department, subject to the consent of treasury, may accept any property by way of bequests donation subscription, whether or not the property is bequeathed, donated or subscribed in trust for any particular purpose connected with an existing or future health services facility or institution or service established or to be established in terms of section 2 or in trust for any other object contemplated in this Act.

(2) Where—

- (a) any property became vested in the Government or the Administration;
- (b) any money or other property was accepted by the Member or a board; or
- (c) any money or other property is accepted by the Member or Head of Department in terms of subsection (1),

and is subject to any trust or particular bequest, such or property shall remain subject to such trust or bequest and shall be dealt with in accordance with the terms and conditions thereof: Provided that where any such property shall vest free of such trust or bequest and may be applied to any purpose in connection with the provincial health services and facilities or institution or service established in terms of section 2 for whose benefit such trust or bequest was made.

(3) Any property referred to in subsections (2)(a), (b) or (c) which is to be applied to a particular health facility or to a particular institution or service established in terms of section 2 may, unless it is to be used for a particular object or purpose in terms of such trust or bequest, be utilised in such manner as the Member may determine for the purpose of acquiring equipment for such health facility, institution or service or for any capital purpose connected with such health facility, institution or services.

(4) For the purposes of this section "capital purpose" means—

- (a) the erection, construction, acquisition, extension or improvement of any building;
- (b) the acquisition of land or of any right or interest in or over land;
- (c) the carrying out of any work of a permanent nature in connection with any health services facility or institution or service established in terms of section 2; or
- (d) the repayment of any loan incurred for any of the purposes mentioned in paragraph (a), (b) or (c) above.

Regulations

6. (1) The Member may make regulations, on any of the following matters:

- (a) All matters affecting the management, care, control or regulation of health facilities, institutions or services established in terms of section 2;
- (b) the prevention of trespassing on any premises or places under the control of the Department;
- (c) prohibiting the introduction of any specified article on any premises or place under the control of the Department; and
- (d) generally in respect of any matter which is necessary for achieving the objects of this Chapter.

(2) The Member may make different regulations for or in respect of different health services, facilities or institutions or services established in terms of section 2.

CHAPTER II

TRANSFER OF HEALTH SERVICES FACILITIES TO LOCAL GOVERNMENT

Transfer of health services and facilities

7. (1) The Member may make regulations and determine the criteria and conditions for the transfer of a health service or facility from the Provincial Administration to one or more Local Governments.

(2) The Member may, upon request of a District Health Authority constituted in terms of section 2(1)(b), and with the concurrence of the Member of the Executive responsible for local government, by notice in the *Provincial Gazette*—

- (a) delegate the management of, or
- (b) transfer the authority for,

the services of a defined set of health services and facilities to one or more local governments concerned with effect from a date mentioned in the notice.

(3) The Member may after consultation with the parties concerned, amend or withdraw such delegation or transfer should the local government or local government concerned fail to comply with the requirements of section 7(1).

Consequences of transfer of health services facility to Local Government

8. (1) As from the date on which a health services facility is delegated or transferred to Local Government under section 7(2)(b)—

- (a) the administrative records and other documents relating to the health services and facilities which the Member may determine shall be transferred to such local government;
- (b) the management, care, control and executive authority of the health services and facilities shall vest with the District Health Authority within the demarcated district; and
- (c) the transfer of personnel will be managed in accordance with the Public Service Act, 1994 (Act No. 103 of 1994), and Labour Relations Act, 1995 (Act No. 66 of 1995).

(2) The Member may make regulations regarding the structure and functioning of the management body.

Financing of health facilities and services transferred to local government

9. The Member may, from funds set aside for the purpose by the provincial legislature, assist local governments that manage health services in terms of subsections 7(2)(a) or (b).

CHAPTER III

HEALTH SERVICES FACILITY BOARDS

Disestablishment of health services facility boards

10. Any existing health service and facility board constituted in terms of any law, are hereby disestablished.

Constitution of Boards

11. (1) The Member may constitute such health service and facility boards as deemed necessary and may assign a name to any such board.

(2) When the Member constitutes a board in terms of subsection (1), he or she shall—

- (a) determine the number of members of such board; and
- (b) specify the district and/or the health services and facilities for which such board has been constituted.

(3) The Member may—

- (a) disestablish a board;
- (b) constitute additional boards;
- (c) increase or decrease the number of members of a board; or
- (d) transfer a health service or facility from one board to another board.

Appointment of members of boards

12. (1) Subject to the provisions of section 13, every member of a board must be appointed by the Member. The Chairperson thereof shall be elected or nominated in such manner as the Member may prescribe by regulation: Provided that no member of a board who is a full-time practitioner on the staff of the health services or at any facilities for which such board has been constituted shall be the chairperson thereof.

(2) The manager of the district or facility for which the board is constituted shall be an *ex officio* member of the board.

Qualifications of members of boards

13. The following persons are disqualified to be appointed as members of a board or, if members of a board, of continuing to be members:

- (1) Any person under the age of 18 years;
- (2) any person who is of unsound mind and has been so declared by a competent court or judicial officer;
- (3) any person who is an un-rehabilitated insolvent;

- (4) any person who has been convicted of an offence and has been sentenced to imprisonment without the option of a fine unless he or she has received a free pardon, or unless such imprisonment has expired at least five years prior to the date of appointment;
- (5) any person who is interested (otherwise than as a member of an incorporated public company) in any contract made for or on behalf of any health service or facility for which the board of which he or she is a member or a prospective member has been constituted, and fails to declare such interest: Provided that nothing in this paragraph contained shall be deemed to be a disqualification where the contract is approved and considered to be desirable in the public interest by the Member or where such contract is in respect of the professional services of a practitioner;
- (6) any person who has been convicted of a crime of dishonesty, or who has been declared unfit to conduct his or her own affairs; or
- (7) any person who has been removed from an office of trust by a competent court.

Period of office of members of boards

14. All members of boards shall hold office for a period of three years from the date of their appointment: Provided that the members appointed by the Member for the first time to a new board, constituted in terms of the provisions of the Act, shall hold office as follows:

- (a) One-third for a period of one year;
- (b) one-third for a period of two years; and
- (c) one-third for a period of three years:

Provided further that in the case of a member appointed to fill a casual vacancy, such appointment shall in every case be for the unexpired period of office of the member in whose place the appointment is made.

When office of member becomes vacant

15. If a member of a board is disqualified in terms of section 13; or—

- (1) if he or she dies; or
- (2) resigns his or her office in writing; or
- (3) is absent from three consecutive ordinary meetings of the board without leave of the board,

his or her office shall be declared vacant by the chairperson of the board who shall report the fact to the Member and the Member shall, subject to the provisions of sections 12 and 13 appoint a member to fill such vacancy.

Termination of office of members of boards, appointment of provisional boards, and appointment of persons to exercise or carry out rights, powers, duties and function of boards

16. (1) The Member may, terminate the period of office of members of a board as from a specified date—

- (a) if a board neglects for a period of six months to hold a meeting; or
- (b) if he or she is satisfied that a board—
 - (i) has failed or refused to perform any duty or function imposed upon it by this Act or the regulations made thereunder;
 - (ii) has unreasonably failed or refused to exercise any right or power conferred on it by this Act or the regulations made thereunder;
 - (iii) has done any illegal or grossly irregular act;
 - (iv) has exercised or carried out its rights, powers, duties or functions in an improper manner or to the detriment of a health service or facility for which it has been constituted; or
- (c) if the number of members of such board has decreased to a number which is, in the opinion of the Member, insufficient for the efficient conduct of the business thereof.

(2) The Member may after declaring the intention and allowing a board the opportunity to comment thereupon, declare null and void any resolution passed at a meeting of any board which, in his or her opinion, was taken in an illegal or grossly irregular manner or was an improper exercise of its functions or powers of which is detrimental to the interests of a provincial health services facility or district.

(3) If the period of office of all members of a board are terminated in terms of subsection (1) or, if there are no members of a board, the Member may—

- (a) appoint members of such board in terms of the provisions of this Chapter and for that purpose such board shall be deemed to be a new board;
- (b) appointment in its place a board (hereinafter referred to as a provisional board) for such period, not being longer than one year as he or she may determine.

(4) The number of members of a provisional board shall not exceed the number of members determined for the board in the place of which such provisional board has been appointed.

(5) The provisions of this Act and the regulations made thereunder relating to boards, shall apply to provisional boards.

(6) Before the expiry of the period of office of a provisional board, the Member shall appoint members to the board in the place of which such provisional board was appointed and such board shall be deemed to be a new board but the members thereof shall not assume office until the date following the expiry of the period of office of such provisional board.

(7) The Member may appoint for such period, not being longer than one year, as he may determine, a person or persons to exercise or to carry out any of the rights, powers, duties or functions of a board which for any reason cannot function, as he or she may determine.

(8) The member shall, prior to the exercise of any action against any member of a board—

- (a) inform the member of the allegations;
- (b) grant the member an opportunity to reply; and
- (c) give full reasons for decision taken.

Rights, powers, duties and functions of boards

17. (1) A board may—

- (a) make recommendations to the Head of Department, district manager or manager of a health service or facility, for which such board has been constituted, on matters affecting health services and on the means and methods whereby the control, regulation, administration or management of health services may be improved;
- (b) consider the suitability and efficiency of officers on the staff of any health service or facility for which such board has been constituted and make recommendations to the Head of Department in regard thereto.

(2) A board shall—

- (a) in relation to every health services and facilities for which it has been constituted furnish comments and make recommendations to the Head of Department through the medium of the district manager on all matters, reports, documents or recommendations submitted to it for consideration and relating to—
 - (i) annual estimate of revenue and expenditure;
 - (ii) the expenditure of capital funds;
 - (iii) financial statements and reports of the Provincial Auditor;
 - (iv) the creation of additional posts on the staff of such health service or facility;
 - (v) the erection, extension and alteration of buildings;
 - (vi) the maintenance of buildings and equipment;
 - (vii) the standardisation of equipment, buildings and procedures;
 - (viii) the entering into of contracts;
 - (ix) regulations;

- (x) any complaint by a patient, member of the public, any practitioner, or staff member;
- (xi) economy and efficiency; or
- (xii) the general activities of such health service or facility;
- (b) at least once in every three months, calculated from the first day of any year, inspect every health service or facility for which such board has been constituted and report to the Head of Department thereupon;
- (c) advise the district manager and local manager of every health service or facility for which such board has been constituted or the Head of Department on any other matter submitted to it by such district manager or the Head of Department; and
- (d) exercise such other functions and carry out such other duties as the Member may from time to time determine.

Meeting of boards

18. (1) A board shall hold its first meeting on such date and at such time and place as the Head of Department may decide.

(2) (a) An ordinary meeting of a board shall be held on such date and at such time and place as the board may decide.

(b) A board shall hold not less than six ordinary meetings in every financial year.

(c) The person designated as secretary to the board by the Head of Department must give seven days notice in writing of an ordinary meeting of the board. Such notice shall state the date, time and place of the meeting and the business to be transacted.

(3) (a) Upon the written request of at least two members of the board the chair person must call a special meeting of the board.

(b) The provisions of paragraph (2)(c) shall apply in respect of a special meeting: Provided that if in the opinion of the chairperson of the board, the matter is one of urgency, he or she may direct that the period of notice of the meeting shall be less than seven days.

(4) A meeting of a board or a committee thereof shall be open to the public, unless otherwise authorised by the Member.

Chairperson to preside at meetings

19. (1) The chairperson of a board shall, preside at every meeting thereof.

(2) If the chairperson is absent from any meeting of the board the members present shall from amongst themselves elect a chairperson to preside at such meeting. The member so elected shall have the same rights, powers, duties and functions as the chairperson of the board.

Quorum

20. A quorum of the board shall consist of one more than a half of the members. No business shall be transacted at any meeting of the board unless a quorum is present.

Method of deciding questions before a board

21. (1) Every question before a board shall be decided by the majority of the votes of the members present.

(2) The chairperson of a board has a deliberative vote and, in event of an equality of votes, a casting vote.

Committees of boards

22. (1) The board may, and when required by the Member shall, from time to time appoint one or more committees either of a general or special nature or for a specific health service or facility. The board may delegate to any such committee with or without such condition as it may deem fit, such rights, powers, duties and functions as it may from time to time determine.

(2) Such committee shall consist of as many members as the board may determine.

(3) Any such committee shall, lapse after having served the purpose for which it was appointed.

(4) The provisions of sections 20 and 21 shall apply in respect of each committee.

(5) Every committee shall report its proceedings to the board.

(6) (a) Every committee shall elect its own chairperson and such chairperson shall hold office for such period as the committee may decide.

(b) If the chairperson of a committee is absent from any meeting, the members present shall elect a chairperson to preside at such meeting. The member so elected shall have the same rights, powers, duties and functions as the chairperson of such committee.

(7) Every question before a committee shall be decided by the majority of the votes of the members present and, in the event of an equality of votes, the matter shall be referred to the board.

Minutes of meetings

23. (1) Minutes of the proceedings of every meeting of a board or of a committee thereof shall be kept. Each member of the board shall be furnished with a copy of such minutes.

(2) The minutes of the proceedings, confirmed in terms of subsection (1), shall at all reasonable times be open to inspection by any person authorised thereto by the Head of Department. A copy thereof shall be furnished to the Head of Department by the person designated as secretary to the board by the Head of Department.

Fees and allowances

24. The Member shall, with the concurrence of the Member of the Executive Council responsible for finance and expenditure, determine the fees, allowances and other payments payable to members of boards.

Regulations

25. The Member may from time to time make regulations—

- (1) prescribing the control, conduct and regulation of meetings of a board or any committee thereof;
- (2) prescribing the powers and duties of any chairperson or acting chairperson of a board or committee;
- (3) prescribing in addition to the rights, powers, duties and functions of boards conferred or imposed in terms of the provisions of this Act, further rights, powers, duties and functions of boards;
- (4) providing that a committee of a board shall, notwithstanding the provisions of section 17, not exercise or carry out any right, power, duty or function conferred or imposed upon a board in terms of the provisions of this Act or a regulation made thereunder; or
- (5) determining that any board or committee shall, with the agreement of the responsible Member of the Executive Council, be joined with any other board or committee which may be established by any other law and laying down the terms of such dual functioning; or
- (6) generally in respect of all matters which he or she considers necessary or expedient for achieving the objects of this Chapter.

CHAPTER IV**PROVINCIAL HEALTH CONSULTATIVE FORUM****Establishment of a Provincial Health Consultative Forum**

26. The Member establishes a Provincial Health Consultative Forum.

Constitution of the Forum

27. Membership of the Forum shall comprise—

- (1) the Member in the capacity of Chairperson;
- (2) the Head of Department;
- (3) the Branch Head responsible for health services;
- (4) the Branch Head responsible for finances and administration;
- (5) the chairperson of each District Health Authority;

- (6) one representative of each health-related professional association whose status as such is recognised by the Member;
- (7) one representative of each employee organisation which is admitted to the Provincial Bargaining Council; and
- (8) subject to the approval of the Speaker of the Legislature, member of the Standing Committee responsible for health.

Qualifications of members

28. The measures in section 13 shall apply *mutatis mutandis*.

Period of office of members

29. The measures in section 14 shall apply *mutatis mutandis* in respect of the members referred to in subsections 27(6) and (7).

Meetings

- 30. (1) The forum shall meet at least three times per year.
- (2) The Member may provide for additional meetings in the regulations.
- (3) The provisions of section 23(1) shall apply in respect of minutes.

Committees

31. The Member may constitute committees of the forum and may regulate any matter related to such committees.

Functions

- 32. (1) The Forum shall advise the member—
 - (a) on the development of policies, and the implementation and maintenance of services;
 - (b) on the communication of health policy and matters related to health to the public; and
 - (c) nominations for District Health Authorities and other boards to the Member; and
 - (d) on any other matter which he or she may refer to the forum.

Regulations

- 33. The Member may make regulations—
 - (1) in respect of all matter which he or she considers necessary or expedient for achieving the objectives of this Chapter;
 - (2) determining that the forum or any committee of the forum may, with the agreement of responsible Member of the Executive Council, be joined with any other forum or committee which may be established by any other law.

CHAPTER V

ADMISSION AND TREATMENT OF PATIENT

Duty to admit patients

34. Subject to the provisions of section 36, every manager must admit for treatment at or in any health service or facility in his or her charge, so far as adequate and appropriate accommodation is therein available, persons suffering from or subject to any of the diseases, injuries or conditions for the treatment of which such health service or facility is established.

Classification of patients

35. (1) Subject to the provisions of section 36, every person shall, when application is made for his or her admission to a health service or facility or as soon thereafter as possible, be classified by the manager or other authorised officer in accordance with regulations made in terms of section 41.

(2) For the purposes of subsection (1) the manager or such other authorised, may call for such information or documents as may be necessary or as may be prescribed in any regulation made in terms of section 41. Except where, in the opinion of the manager or such other officer, treatment cannot be deferred without danger or detrimental consequences for the person referred to in that subsection, no such person shall be admitted as a patient into any health services facility or receive treatment unless such information or documents have been furnished by or on behalf of such person, or unless, subject to the provisions of any such regulation, the manager or other officer is otherwise satisfied as to the category into which such person falls in terms of subsection (1).

(3) Any person who, for the purposes of subsection (2), knowingly or wilfully furnishes any information or document which is false, incorrect or misleading shall be guilty of an offence and liable on conviction to a fine which limits are set annually by Treasury and published in the *Provincial Gazette*, or in default of payment, to imprisonment for a period not exceeding three months.

(4) (a) Any person referred to in subsection (1) or any person acting on his or her behalf, who is aggrieved at any classification or reclassification made in terms of subsection (1) or regulation made in terms of section 41, may appeal, to the board responsible for the health service or facility concerned against such classification or reclassification and the decision of such board shall be final.

(b) If any appeal made in terms of paragraph (a) is upheld by the board, the person in respect of whose classification or reclassification such appeal was made, shall be reclassified in accordance with the decision of the board with effect from the date on which such appeal was lodged: Provided that if any person appeals against reclassification in accordance with any regulation made in terms of section 41(1) (d), and such appeal is upheld, the decision of the board shall be operative with effect from the date of the first classification of such person.

Certain classes of persons to be classified as private patients

36. (1) Any person who receives treatment at, in or from a health service or facility shall be classified as a private patient—

- (a) if he or she receives such treatment as the result of an accident or injury in respect of which medical aid, as defined in section 2 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 30 of 1993), is, in terms of that Act, payable by or determined to be the liability of the Workmen's Compensation Commissioner or of the employer;
- (b) is he or she is member of the defence force of any other country than the Republic of South Africa; or
- (c) if he or she is by virtue of his or her employment in the service of any department of State in the Republic of any foreign government or his or her dependence on any person so employed, entitled to treatment at the expense of such department or government; or
- (d) if he or she belongs to any other class which the Member has, by notice in the *Provincial Gazette*, declared to be not eligible for treatment at reduced rates;
- (e) if he or she is a registered member (or dependant) of any medical scheme or benefit fund registered in terms of any law;
- (f) if he or she earns more than the income to be determined from time to time by the Member and published in the *Provincial Gazette*, or is a dependant of such person.

(2) For the purposes of paragraph (c) of subsection (1) the expression "any department of State" shall include the Force, as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), and the Prisons Service, established by section 2 of the Prisons Act, 1959 (Act No. 8 of 1959).

Order of admission of patients

37. All persons shall be admitted into a health service or facility in accordance with the urgency of their need for treatment, as determined by the medical officer on duty or such other officer as may be authorised to act on his or her behalf and in such order as such medical officer or other officer may direct.

Treatment of patients

38. (1) Any person shall be treated in a health service or facility by a medical practitioner, or any other practitioner who is on duty at and is in the service of the health service or facility concerned: Provided that—

- (a) where such patient has been injured in an accident caused by or arising out of the driving of a motor vehicle as contemplated in the Road Accident Fund Act, 1996 (Act No. 56 of 1996);

(b) where such patient is a member or registered dependent of a Medical Aid;
or

(c) where such patient is paying the full costs of his or her own care,

he or she may be treated by a private medical practitioner if he or she should so request.

(2) The Administration shall not be liable for any fees or charges due by any patient to any private practitioner who is authorised in terms of section 40 to utilise the facilities of the state.

Treatment of private or full-paying patient as out-patient

39. The fees prescribed in terms of section 41(1)(f) shall be levied for the treatment of a person in a health service or facility whether as an in-patient or as an out-patient: Provided that the Member may exempt wholly or partially any person or any class or group of persons from the payment of such fees.

Treatment of private patients by private practitioner in a health services facility

40. (1) A private practitioner may apply in writing to the manager for permission to treat his or her private patients in a health service or facility and such practitioner shall not treat any such patient therein until such permission has been granted: Provided that such permission shall not be granted unless and until such private practitioner has undertaken in writing—

- (a) to comply with the rules and regulations applicable to the health service or facility; and
- (b) to render such part time service at the health service or facility as the Head of Department may determine at such salary as determined by the Public Service Commission.

(2) The Head of Department may impose a condition that such permission shall only apply in respect of a specified portion of the provincial health services or facilities for which application has been made.

(3) A private practitioner may appeal to the Member against the refusal of the Head of Department to grant permission in terms subsection (1) or against the imposition of a condition in terms of subsection (2). The Member shall give a decision after hearing any representations from the parties.

(4) Any permission granted in terms of subsection (1) or (3), and any condition imposed in terms of subsection (2) or (3), may be, withdrawn, amended or altered by the Member in his or her discretion.

(5) Where the Head of Department considers that the Member should exercise any of the powers referred to in subsection (4), he or she may suspend the permission granted in terms of subsection (1) or (3), pending the decision of the Member in terms of the said subsection (4) and in that event shall advise the private practitioner concerned accordingly.

(6) If permission has been refused or if a condition has been imposed in terms of subsection (1), (2) or (3), as the case may be, or if permission or a condition has been withdrawn, amended or altered in terms of subsection (4), the private practitioner concerned may again apply in terms of subsection (1) after the lapse of a period of six months from the date when such permission was imposed, amended or altered, and the provisions of this section shall apply *mutatis mutandis* to such new application.

Regulations

41. (1) The Member may make regulations, on any of the following matters:

- (a) The treatment admission, maintenance or discharge of patients;
- (b) prescribing the manner in which a classification in terms of section 35 (1) shall be made and the principles and tests to be applied in that connection. Different principles and tests may be applied in respect of in-patients and out-patients;
- (c) providing for the re-classification of any patient at any stage of his or her treatment with effect from the date of application for such re-classification;
- (d) providing, subject to the provisions of section 35(4)(b) for the correction of any erroneous classification made. Any such correction shall operate with effect from the date of such erroneous classification.
- (e) the lodging of an appeal in terms of section 36(4), the consideration of such appeal, the procedure to be followed and providing for any other matter which is incidental to such appeal, including the temporary classification of any person in respect of whom such appeal has been lodged, pending its consideration;
- (f) prescribing the fees for the treatment of a person in a health service or facility whether as an in-patient or as an out-patient;
- (g) the maintenance of order, discipline, decency and cleanliness among the patients of any health service or facility;
- (h) prescribing the duties and privileges of private practitioners and the circumstances under which such practitioners may attend or have access to patients in health services or facilities or have access to the case records and the results of any investigation relating to a patient who at the time of his or her admission to a provincial health service or facility was the patient of such practitioner; or
- (i) generally in respect of all matters which he or she considers necessary for achieving the objects of this Chapter.

(2) In making any regulation in terms of paragraph (a), (f), (g), (h) or (i) the Member may make different regulations in respect of different health services or facilities.

CHAPTER VI

STAFF

Transfers, promotions and temporary secondments

42. (1) Any person in the service of the Department may be transferred or promoted to such post as the Member may determine: Provided that an officer shall not be transferred from one post to another if such transfer involves a reduction in his or her pensionable emoluments as defined in the regulations made in terms of the provisions of the Government Services Pension Act, 1973 (Act No. 57 of 1973), unless such transfer takes place upon the request and with the consent of such officer.

(2) With the approval of the Head of Department, and after consultation with the person concerned, a person in the service of the Department may be temporarily seconded from any health service or facility established in terms of section 2 to any other such health service or facility or to the general administrative section of the Department either for a specified period of time or for a particular service.

(3) The Head of Department may require any officer temporarily to perform duties other than those ordinarily assigned to such officer or appropriate to the grade, designation of his or her post provided that the officer is qualified to perform the tasks.

Copy of misconduct proceedings to be forwarded to professional board or council with which officer registered

43. If any officer who is required to be registered as a practitioner has been found guilty of misconduct in terms of section 23 of the Public Service Act, 1994 (Proclamation No. 103 of 1994), a certified copy of such findings shall be forwarded to the Board or Council with which such officer is registered.

Appointment of honorary officer or voluntary worker

44. (1) The Head of Department may, in respect of any provincial health service or facility or institution established in terms of section 2, appoint such honorary officers and voluntary workers as he or she may deem expedient.

(2) This Chapter shall not apply to any such honorary officer or voluntary worker appointed in terms of subsection (1), but the Head of Department may determine the conditions of employment of such officer or worker and shall advise such officer or worker accordingly.

CHAPTER VII

HEALTH CARE TEACHING ENVIRONMENTS

Association of provincial services facility and university for instructional purposes

45. (1) The Member may approve that a health service (in this Chapter referred to as a Health Care Teaching Environment) may be associated with a university, technikon or college having a faculty of medicine, dentistry or health sciences, for the purpose of academic functions at such Health Care Teaching Environment to students in such faculty.

(2) For the purposes of this Chapter the words "medicine" and "medical services" shall include "health services" and "nursing services" respectively.

(3) The Member may enter into a formal agreement with any university technikon or college where joint appointments are envisaged.

Teaching appointments at teaching health services facility

46. (1) Subject to the provisions of this Chapter, the Member may appoint to an approved post on the establishment of health service or facility which he or she has, in consultation with the university concerned, designated as a teaching post, and such appointment shall be called a joint appointment.

(2) (a) No person shall be appointed in terms of subsection (1) unless the Member and the university, technikon or college have agreed as to—

- (i) the person to be appointed;
- (ii) the salary and allowance to be paid to such person;
- (iii) the financial contribution of the university, technikon or college in respect of such salary and allowances; and
- (iv) the conditions of appointment and service of such person.

(b) If the Member and the university, technikon or college concerned do not agree as contemplated in paragraph (a), the Member may determine the post concerned not to be a joint post.

(3) Any person who is appointed in terms of subsection (1), shall—

- (a) give instruction at the health service or facility to which he or she is so appointed and at the university, technikon or college associated therewith to students in the faculty of medicine, dentistry or other health science in addition to providing service to the public;
- (b) act in a general advisory and consultative capacity in connection with the professional services provided by such health service or facility or institution established in terms of section 2; and

- (c) perform such other functions as may be agreed upon between the Member and the university, technikon or college at the time of such appointment or thereafter.

Teaching appointments on contract

47. The Member may, after agreement with the university, technikon or college concerned, make a teaching appointment as contemplated in section 46(1) on contract for such period and subject to such conditions of appointment and service as may be agreed upon.

Access to provincial health services facilities of university, technikon or college personnel who do not hold joint appointments

48. (1) A university, technikon or college may at any time apply to the Member for permission for a person on the staff of such university, technikon or college and not holding a joint appointment in terms of subsection (1) of section 46 or in terms of section 47, to be granted access to a provincial health service or facility for the purpose of teaching and giving instruction thereat to students in the faculty of medicine, dentistry or other faculty at such university, technikon or college: *Provided that the Member may impose such conditions as he or she may deem fit, including a condition that such permission shall only apply in respect of a specified portion of the provincial health services in respect of which application has been made.*

(2) Any permission granted or condition imposed in terms of subsection (1) may be withdrawn, amended or altered by the Member.

(3) A university, technikon or college referred to in subsection (1) may at any time—

- (a) renew an application for permission which has been refused in terms of subsection (1) or withdrawn in terms of subsection (2); or
- (b) apply for the removal or alteration of any condition which has been imposed in terms of subsection (1) of (2), as the case may be.

Refusal of access to university, technikon or college student

49. The Member may refuse a student in the faculty of medicine, dentistry or other faculty at a university, technikon or college, access to a provincial health service or facility, or part thereof as a disciplinary measure or may permit access subject to such conditions as he or she may deem fit. A student who is penalised in this manner may appeal to the Member who may uphold, withdraw alter or amend his or her decision.

Regulations

50. The Member may, after consultation with the university, technikon or college concerned, make regulations, in respect of all matters which he or she may consider necessary achieving the objects of this Chapter.

CHAPTER VIII

PRIVATE HEALTH SERVICES FACILITIES

Private health services facilities and grants-in-aid to such health services and facilities

51. (1) From a date to be fixed by the Member by notice in the *Provincial Gazette*, no private health service facilities shall be established, extended, conducted or maintained unless it has been registered in accordance with such regulations as the Member may make. In any such regulation provision may be made for the circumstances in which such registration may be withdrawn.

(2) Any person who established, extends, conducts or maintains, or assists in establishing, extending, conducting or maintaining a private health facility in contravention of the provisions of subsection (1), shall be guilty of an offence and liable on conviction to a fine of which amount shall be published in the *Provincial Gazette*, or in default of payment, to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(3) The Member may on such conditions as deemed fit exclude any private health service or facility from the provisions of subsection (1).

(4) The Member may, from funds appropriated for the purpose by the Provincial Legislature, make grants-in-aid to such amount as deemed necessary to any private health service or facility which provides services for non-private patients.

(5) The Member in making any grant-in-aid in terms of subsection (4) may impose such conditions and lay down such requirements as deemed fit, including a requirement that a representative of the Member shall be appointed to the board of management or like body of the private health service or facility concerned.

(6) (a) The provincial Auditor or any person authorised thereto shall examine the books, accounts or records of a private health service in receipt of a grant-in aid contemplated in subsection (4).

(b) Such private health service or facility, shall ensure that all books, statements of account, vouchers and such other documents and papers as may be required in the course of audit, are laid before the Provincial Auditor or the person authorised in terms of paragraph (a).

(c) The Provincial Auditor shall furnish to the Administration a report in writing and shall certify in every financial year whether or not—

- (i) in respect of such private health service or facility proper book and records have been kept;
- (ii) the annual balance sheet and statement of accounts of such private health service or facility and of the results of its transactions for the period concerned;
- (iii) the provisions of this Chapter have been complied with; and
- (iv) all requirements and recommendations have been complied with.

(7) The board of management of every private health service or facility in receipt of a grant-in-aid contemplated in subsection (4), shall within three months after the close of the financial year furnish to the Member a report on the working of such private health service or facility during the financial year.

(8) The amount of any grant-in-aid referred to in subsection (4), shall not be finally determined unless and until the Provincial Auditor has submitted the report referred to in subsection (6)(c): Provided that, pending such final determination of the grant-in-aid, the Member may, subject to the provisions of subsection (11), make a provisional grant to the private health service or facility concerned in such amount as he or she may determine.

(9) If—

- (a) a private health services facility in receipt of a grant-in-aid contemplated in subsection (4), has failed to comply with a condition imposed or a requirement laid down, in terms of subsection (5);
- (b) a grant-in-aid for a capital service has not been utilised for such service within a reasonable period as determined by the Member; or
- (c) a grant-in-aid has been made in excess of that contemplated in subsection (8),

the member may take such steps as may be necessary to recover the whole or such portion of the grant-in-aid or provisional grant-in-aid contemplated in subsection (8), having regard to all the circumstances of the case.

(10) In the event of any conflict arising in the exercise of the powers conferred upon the Member by this section and the powers conferred upon a local government in terms of any other law, the powers exercised by the Member shall prevail.

(11) The Member may by regulation provide for the inspection of any private health service or facility by or on behalf of the Head of Department.

CHAPTER IX

GENERAL

Supply of medical requisites, etc. to outside clinics

52. (1) Subject to the approval of the Treasury, the Head of Department may supply as nearly as possible at inclusive cost price, drugs, dressings, medical requisites, appliances or other goods or services, to any health service or facility established, maintained, organised, controlled or carried on by any local government in terms of any law or to any private health service or facility in receipt of a grant-in-aid as contemplated in section 51(4) or to any institution or person rendering a service or on behalf of a provincial health services facility, in respect of such service.

(2) Any moneys received by the Head of Department in terms of subsection (1) shall be refunded to the paymaster general account of the department.

Delegation of rights, powers, duties or functions

53. (1) The Member may assign any right, power, duty or function the Head of Department and may authorise the Head of Department to delegate such delegated right, power, duty or function to any other person in the services of the department or a district as the Member may direct or, failing such direction, as the Head of Department may determine: Provided that no such right, power, duty or function shall be so assigned to the Head of Department in regard to any matter if the correctness of a decision thereon is subject to an appeal to the Member in terms of section 40.

(2) The Head of Department may delegate any right, power, duty or function conferred in terms of the provisions of this Act to such other person in the service of the district as he or she may determine: Provided that nothing in this section contained shall be construed as entitling the Head of Department to relieve himself or herself of the responsibility placed upon him or her in regard to the efficient management and control of the districts.

Regulation of traffic on certain premises

54. The Member shall regulate the traffic on the premises of any health service or facility, clinic, college or institution established in terms of section 2, and may—

- (1) make regulations for the prohibition, control and regulation of such traffic;
- (2) provide and maintain parking facilities on such premises;
- (3) determine the fees to be levied for the use of parking facilities provided in terms of subsection (2); and
- (4) enter into a written agreement with any person to control and regulate the use of parking facilities provided in terms of subsection (2) in accordance with any regulation made in terms of subsection (1) and to levy the fees determined in terms of subsection (1).

Regulations

55. (1) The Member may from time to time make regulations, which he or she may deem necessary for achieving the objects of this Act, including the determination of tariffs of charges for services not provided for. Different regulations may be made in such circumstances as the Member may determine.

(2) Every regulation made in terms of this Act shall be published in the *Provincial Gazette* and shall within seven days of the date of publication thereof be tabled before the provincial Legislature, if the Provincial Legislature is sitting, or, if it is not then sitting, within seven days of the commencement of its next sitting.

(3) During the sitting in which any regulation has been tabled before the Provincial Legislature, the Provincial Legislature may—

- (i) approve such regulation;
- (ii) reject such regulation; or
- (iii) refer it back to the Member.

Fines

56. Every fine imposed or any money or deposits forfeited or declared forfeited in terms of this Act or the regulations made thereunder, shall be paid into the Provincial Revenue Account.

Repeal of laws and savings

57. (1) The laws specified in the Schedule are hereby repealed to the extent set out in the third columns thereof.

(2) Any proclamation, regulation, notice, order, prohibition, authority, permission, information or document issued, and any other action taken under any provision of a law repealed by subsection (1) shall, if not inconsistent with the provisions of this Act, be deemed to have been issued, or taken under the corresponding provisions of this Act.

Short title and commencement

58. This Act shall be called the Northern Province Health Services Act, 1998, and shall come into operation on a date fixed by the Premier by Proclamation in the *Provincial Gazette*.

SCHEDULE**LAWS REPEALED**

Number and year of law	Short title	Extent of repeal
Ordinance No. 14 of 1958	Hospitals Ordinance, 1958	The whole.
Act No. 13 of 1984	Venda Health Act, 1984	Section 28 in so far as it relates to health services facilities.

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 4**1999**

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

No. 5 wa 1998: Nawu wa Vutirheli bya Rihanyu bya Xifundzankulu xa N'walungu, 1998

NAWU

Wo katsakanya milawu leyi yi yelanaka na vutirheli bya rihanyu na swiolovisi swa Xifundzankulu xa N'walungu na ku endla makungu ya timhaka leti ti yelanaka na tona

(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 4 Sunguti 1999)

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

Tinhlamuselo

1. Eka Nawu lowu, handlekaloko nhlamuselo ya kona yi komba swin'wana—

"huvo" ri vula huvo ya vutirheli ya rihanyu leyi yi endliweke hi ku landza Nawu wa 1996 (Nawu wa 108 wa 1996);

"lembe-ximali" swi vula nkarhi wa le xikarhi ka siku ro sungula ra Dzivamisoko eka lembe rihi ni rihi na siku ra vumakume nharhu n'we ra Nyenyankulu eka lembe leri ri landzelaka, ku katsa masiku lawa ha mambirhi ka wona;

"Mfumo wa Ndhawu" swi vula mfumo wa ndhawu lowu wu endliweke hi ku landza Kavanyisa ka 7 ka Nawu wa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996);

"Mfumo" ri vula Mfumo wa Xifundzankulu xa N'walungu;

"mufambisi wa xifundza" swi vula mufambisi loyi a vuriwaka eka xiyenge xa 4;

"xifundza" ri vula xifundza xihi ni xihi lexi xi nga hambanyisiwa hi matshamelo lawa ya vuriwaka eka xiyenge xa 2;

"mupraktixinara" ri vula munhu wihi ni wihi loyi a tsarisiweke tanihi munhu wa purofexeni hi ku landza makungu ya Nawu wa Vun'anga, Meno na Vutirheli byo Engetela bya Rihanyo, 1974 (Nawu wa 56 wa 1974, Nawu wa Famasi wa 53 wa 1974 kumbe Nawu wa Vuongori, 1957 (Nawu wa 69 wa 1957);

"mupraktixinara wa phurayivhete" swi vula—

- (a) mupraktixinara loyi a nga riki eka ntirho wa nkarhi hinkwawo wa Mfumo wa Xifundzankulu; kumbe
- (b) mupraktixinara loyi a nga riki mukhomi wa ku thoriwa ku vudyondzisi hi ku landza xiyenge xa 47(1) kumbe hi ku landza Xiyenga xa 48;

"muvabyi wa le handle" swi vula muvabyi loyi a nga amukeriwangiki eka xiolovisi xa vutirheli bya rihanyu naswona loyi a yaka kona ku kuma vuongori;

"muvabyi wa le ndzeni" swi vula muvabyi loyi a nga riki wa le handle naswona loyi a kumaka voungori eka xiolovisi xa vutirheli bya rihanyu;

"Nawu lowu" swi katsa swinawana;

"Ndzawulo" ri vula ndzawulo leyi yi nga ni vutihlamuleri eka vutirheli bya rihanyu eka xifundzankulu;

"Nhloko ya Ndzawulo" swi vula nhloko ya ndzawulo loyi a nga thoriwa tani hi Mutirhi wa Tinkota loyi a nga ni vutihlamuleri eka rihanyu leri ri vuriwaka eka Xiyenge xa 4;

"vutirheli bya rihanyu" swi vula vutirheli byihi ni byihi lebyi byi nyikiwaka, kumbe hi ku seketela swiolovisi swa rihanyu naswona lebyi byi vuriwaka eka swiyenge swa 2(2) na (4);

"Vufambisi" ri vula Vufambisi bya Xifundzankulu xa N'walungu ku katsa ni Mfumo wa Xifundzankulu xa N'walungu;

"Vulawuri bya Rihanyu bya Xifundza" swi vula huvo leyi yi endleriweke xifundza hi ku landza xiyenge xa 2(1)(b) na Kavanyisa ka III;

"vutshunguri" ri katsa ku nyikiwa ka—

- (a) swakundya na vutshamo;
- (b) nhlayiso wa vuongori;
- (c) vun'anga, vuhandzuri, vubeburi, meno, swo horisa kumbe vutshunguri bya mpfuxo;
- (d) maendlelo ya nxopelo/mfembo; na
- (e) vutsundzuxi;

"xiolovisi xa rihanyu" swi vula xiolovisi xihini ni xihini lexi xi vuriwaka eka Xiyenge xa 2(2);

"xiolovisi xa rihanyu xa phurayivhete" swi vula xiolovisi xa rihanyu lexi xi nga riki xiolovisi xa vutirheli bya rihanyu lexi xi lawuriwaka hi Mfumo wa Xifundzankulu xa N'walungu (ku katsa na Vufambisi) hambiloko mfumo wa ndhawu wu nga ri n'winyi, kumbe lebyi nga fambisiwiki hi Mfumo wa Xifundzankulu kumbe mfumo wa ndhawu;

"xiolovisi xa rihanyu xa xifundza" swi vula xiolovisi lexi xi vekiweke tano hi Xirho hi ku landza xiyenge xa 2(3)(a);

"xiolovisi xa rihanyu xa ntirho wo Hlawuleka" swi vula xiolovisi xihhi ni xihhi lexi xi nga vekiwa etlhelo hi ku hlawuleka ku tshungula rifuva, vuvabyi bya nhloko kumbe xiyimo xihhi ni xihhi xin'wana naswona lexi xi nga vekiva tano hi Xirho hi ku landza xiyenge xa (2)(3)(d);

"xiolovisi xa rihanyu xo rhumela vavabyi eka xona xa Xifundza" swi vula xiolovisi lexi xi vekiweke hi Xirho hi ku landza Xiyenge xa 2(3)(b);

"xiolovisi xa rihanyu xo rhumela vavabyi eka xona xa Xifundzankulu" swi vula xiolovisi lexi xi vekiweke hi Xirho hi ku landza Xiyenge xa 2(3)(c); na

"Xirho" ri vula Xirho xa Huvonkulu loyi a nga ni vutihlamuleri eka rihanyu.

KAVANYISA KA I

VUTIRHELI BYA RIHANYU NA SWIOLOVISI

Ku simekiwa na lulamiselo ra vutirheli bya rihanyu

2. (1) Xirho xi nga ha hi swikongomelo swo endlela mafambiselo lamanene na ku tirha kahle na vutirheli byo twisiseka eka Xifundzankulu, hi xitiviso eka *Gazete ya Xifundzankulu*—

- (a) tsema swifundza leswaku swi va ni ndhawu yin'we kumbe ku tlula ya mimfumo ya ndhawu na ku boha vito leri ndhawu yoleyo yi faneleke ku tiviwa hi rona;
- (b) hi mayelana na xifundza xin'wana na xin'wana lexi xi nga ta tivisiwa simeka Vulawuri bya Rihanyu bya Muganga hi ku twanana ni mimfumo ya ndhawu leyi yi khumbekaka tani hi laha swi vuriwaka eka Xiyenge xa 156(4) xa Nawu wa Vumbiwa ra Ripabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996); na
- (c) ku hundzuluxa kumbe ku khansela xitiviso xihhi ni xihhi xo tano eka *Gazete ya Xifundzankulu* loko swi ri ni nkoka eka mafambisele lamanene.

(2) Makungu ya Kavanyisa ka III ya tirha eka Vulawuri bya Rihanyu bya Xifundza: Ku ri leaswaku tihuvo hinkwato na tikomiti leti ti nga endleriwa vutirheli bya rihanyu na swiolovisi, handle ka leti ti nga kombisiwa hi ku landza swiyengenyana swa 24(b), (c) na (d), ti le hansi ka Vulawuri bya Riyanya bya Xifundza eka xifundza lexi xi kumekaka kona.

(3) Xirho xi nga ha simeka swiolovisi swa rihanyu na vutirheli eka swifundza leswi swi vuriwaka eka xiyengenyana xa (1) ku katsa ni—

- (a) vutirheli bya le handle lebyi nga nyikiwa hi swiolovisi swo fambisiwa;
- (b) titlilini;
- (c) tindhawu ta rihanyu leti ti kotaka ntsena ku amukela swa nkarhi wo koma;
- (d) swiolovisi swa rihanya, ku katsa ni swibedlele, ku amukela na ku tshungula vavabyi;
- (e) tihofisi na mavandla ku endlela vufambisi kumbe ku nyika mintirho yin'wana ya rihanyu.

(4) Xirho xi nga ha hlawula swiolovisi swa rihanyu leswi swi nga kombisiwa ku tirha tanihi—

- (a) swiolovisi swa rihanyu swa swifundza;
- (b) swiolovisi swo rhumela vavabyi eka swona swa Xifundza;
- (c) swiolovisi swo rhumela vavabyi eka swona swa Xifundzankulu;
- (d) swiolovisi swa rihanyu swa ntirho wo Hlawuleka kumbe mavandla;

(5) Xirho xi nga ha simeka na ku hlayisa hi swikongomelo swo seketela vutirheli byo hlayisa rihanyu na swiolovisi—

- (a) ambulense na vutirheli bya xihatla bya vun'anga;
- (b) vutirheli bya vutlleketli;
- (c) miako yo makela ni ku lunghisela eka yona swa vuhandzuri, vun'anga na switirhi swin'wana na swingolongondzwani;
- (d) swa mimirhi na ku nyikiwa ka nhundzu yin'wana;
- (e) vuhlantswelo;
- (f) tikholichi na swikolo swa vuongori kumbe mavandla man'wana yo dyondzisa vanhu vutirheli eka Ndzawulo;
- (g) vutirheli byo korhokela; na
- (h) vutirheli byihi ni byihi byin'wana kumbe vandla leri ri nga ha vaka ri fanerile eka ku fikelela swikongomelo swa Nawu lowu.

(6) Xiolovisi xihhi ni xihhi xa vutirheli bya rihanyu kumbe vandla ra muxaka lowu wu hlamuseriwaka eka xiyengenyana xa (2), (3) kumbe (4) naswona ri va ri simekiwile eka Xifundzankulu ku nga se sungula Nawu lowu, ri fanele ku tekiwa ri simekiwile hi ku landza xiyenge lexi.

Matimba hi ku angarhela ya Xirho xa Huvonkulu

3. Xirho xi nga ha—

- (1) endla makungu ya vutshamo na swakudya swa vatirhi va xiolovisi xihhi ni xihhi xa rihanyu, vandla kumbe vutirheli lebyi nga simekiwa hi ku landza xiyenge xa 2;
- (2) hirisa, liza, rhentisa, kuma, xava, dzima, aka kumbe hi ndlela yin'wana tirhisa vutshamo byo tano kumbe vutirheli tani hilaha xi nga ha vonaka swi fanerile ku fikelela swikongomelo na makungu ya Kavanyisa loku naswona xi nga ha lerisa leswaku vutshamo byo tano kumbe vutirheli swi fanele ku va xiphemu xa vutirheli bya rihanyu lebyi nga kona hi nkarhi wolowo, xiolovisi kumbe vandla leri ri nga simekiwa hi ku landza xiyenge xa (2); kumbe
- (3) ku ya hi mpfumelelo wa Hofisi ya Va Nkwama na le ka makungu ya Xiyenge xa 5, lombisa kumbe ku xavisa nhundzu yo famba fambiseka na leyi yo ka yi nga famba fambiseki leyi yi nga kumiwa hi Vufambisi eka swikongomelo swihi ni swihi swa Nawu lowu.

Vulawuri bya ndhawu na mafambisele ya swiolovisi swa vutirheli bya rihanyu, mavandla na vutirheli

4. Vulawuri bya ndhawu na mafambisele ya vutirheli bya rihanyu bya swifundza hinkwaswo na bya mavandla hinkwawo kumbe vutirheli lebyi nga simekiwa hi ku landza xiyenge xa 2, swi haverisiwe munhu loyi a nga thoriwa hi Xirho tani hi mufambisi wa kona, naswona munhu un'wana ni un'wana wo tano—

- (1) u fanele ku va ni vutihlamuleri eka Nhloko ya Ndzawulo eka vulawuri lebyinene na mafambisele ya xifundza kumbe ya vutirheli bya rihanyu kumbe xiolovisi leswi swi nga vekiwa emavokweni ya yena. Matimba wahi ni wahi, mfanelo, ntirho kumbe xilaveko xihi ni xihi lexi xi nga tiyisiwa kumbe ku vekiwa eka munhu wihi ni wihi wo tano hi ku landza makungu ya Nawu lowu kumbe swinawana leswi swi nga endliwa ehansi ka wona, swi fanele ku endliwa hi ku landza swileriso swo tano tani hilaha Nhloko ya Ndzawulo a nga ha nyikaka leswi swi nga yelaniki na makungu ya Nawu lowu kumbe swinawana; naswona
- (2) a nga ha thoriwa ku va wa nkarhi hinkwawo kumbe eka xiyimo xa nkarhi hinkwawo.

Ku amukeriwa ka tinyiko endzhaku ka rifu, minyikelo kumbe minhlengo

5. (1) Xirho kumbe Nhloko ya Ndzawulo, ku ya hi mpfumelelo wa Va Nkwama, a nga ha amukela nhundzu yihi ni yihi hi ndlela ya nyiko endzhaku ka rifu kumbe nhlengo, hambiloko kumbe nhundzu ya kona a yi nyikiwanga endzhaku ka rifu, nyikeriwile kumbe hlengiwiwe hi ku endlela xikongomelo xihi ni xihi xo karhi lexi xi yelanaka na xiolovisi xa vutirheli bya rihanyu lebyi byi nga kona kumbe xiolovisi xa vutirheli bya rihanyu bya vumundzuku kumbe vandla kumbe vutirheli lebyi byi nga simekiwa kumbe byi nga ta simekiwa hi ku landza Xiyenge xa 2 kumbe eka tharasiti hi xikongomelo xihi ni xihi xin'wana lexi xi vuriwaka eka Nawu lowu.

(2) Laha—

- (a) nhundzu yihi ni yihi yi nga rhwexiwa Mfumo kumbe Vufambisi; kumbe
- (b) nhundzu yihi ni yihi a yi amukeriwile hi Xirho kumbe huvo; kumbe
- (c) nhundzu yihi ni yihi yi nga amukeriwa hi Xirho kumbe Nhloko ya Ndzawulo hi ku landza xiyengenyana xa (1),

naswona hi ku ya hi thirasiti yihi ni yihi kumbe nyiko yo karhi endzhaku ka rifu, nhundzu yo tano yi fanele ku tshama ku ya hi thirasiti yo tano kumbe nyiko endzhaku ka rifu na ku tirhina na swona hi ku landzelela swipimelo na swiyimo swa kona: Ku ri leswaku laha nhundzu yihi ni yihi yo tano yi fanele ku ntshunxeka eka ku tshemba ko tano kumbe nyiko yo landzela rifu swi nga ha tirhisiwa eka xikongomelo xihi ni xihi mayelana na mintirho ya rihanyu ya xifundzankulu na swiolovisi kumbe mavandla lawa ya nga simekiwa hi ku landza xiyenge xa 2 eka loyi a nga ta kuma hakelo ya ntshembo kumbe nyiko yo tano.

(3) Nhundzu yihi ni yihi leyi yi vuriwaka eka xiyengenyana xa (2)(a), (b) kumbe (c) leyi yi nga ta tirhisiwa eka xiolovisi xa karhi xa rihanyu kumbe eka vandla ro karhi kumbe ntirho lowu wu nga simekiwa hi ku landza xiyenge xa 2 wu nga ha, handle kaloko wu fanele ku tirhiseriwa xilo xo karhi kumbe xikongomelo hi ku landza tharasiti kumbe nyiko endzhaku ka rifu, tirhisiwa hi mukhuva wo tano tani hilaha Xirho xi nga ha bohaka ku endlela ku kuma swingolongondwana eka xiolovisi xo tano xa rihanyu, vandla kumbe vutirheli kumbe eka xikongomenkulu xihi ni xihi lexi khumbhanaka na xiolovisi xa rihanyo xo tano, vutirheli bya vandla.

(4) Hi swikongomelo swa Xiyenge lexi "capital purpose" swi vula—

- (a) ku dzimiwa, ku akiwa, ku kuma, ku engetelela kumbe ku antswisiwa ka muako wihi ni wihi;
- (b) ku kumiwa ka misava kumbe ka mfanelo yihi ni yihi kumbe ku navela eka kumbe ehenhla ka misava;
- (c) ku endliwa ka ntirho ni wihi wa nkarhi hinkwawo mayelana na xiolovisi xihi ni xihi xa vutirheli bya rihanyu kumbe vandla kumbe vutirheli lebyi nga simekiwa hi ku landza xiyenge xa 2; kumbe
- (d) ku hakeriwa ka xikweleti xihi ni xihi lexi xi nga endleriwa swikongomelo leswi swi nga vuriwa eka ndzimana ya (a), (b) kumbe (c) laha henhla.

Swinawana

6. (1) Xirho xi nga ha endla swinawana eka mhaka yihi ni yihi ya leti ti landzelaka:

- (a) Timhaka hinkwato leti ti khumbhaka vufambisi, vulawuri byo hlayisa kumbe xinawana xa swiolovisi swa rihanyu, mavandla kumbe vutirheli lebyi byi nga simekiwa hi ku landza xiyenge xa 2;
- (b) ku siveriwa ka ku ngheniwa swi nga ri nawani eka miako leyi yi nga ehansi ka vulawuri bya Ndzawulo;
- (c) ku yirisiwa ka ku nghenisiwa ka nchumu wihi ni wihi wo karhi eka miako kumbe ndhawu leyi nga hansi ka vulawuri bya Ndzawulo; na
- (d) hi ku angarhela mayelana na mhaka yihi ni yihi leyi yi nga ni nkoka eka ku fikelela swikongomelo swa Kavanyisa loku.

(2) Xirho xi nga ha endla swinawana swo hambana eka kumbe mayelana na vutirheli bya rihanyu byo hambana, swiolovisi kumbe mavandla leswi nga simekiwa hi ku landza xiyenge xa 2.

KAVANYISA KA II

KU RHURHISA VUTIRHELI BYA RIHANYU NA SWIOLOVISI SWI YA EKA MFUMO WA NDHAWU

Ku rhurhisa vutirheli bya rihanyu na swiolovisi

7 (1) Xirho xi nga ha endla swinawana ni ku boha maendlele na swipimelo wo rhurhisa vutirheli bya rihanyu kumbe xiolovisi ku suka eka Mafambiselo ku ya eka mfumo wa ndhawu wun'we kumbe ku tlula.

(2) Xirho xi nga ha, ehenhleni ka xikombelo xa Vulawuri bya Rihanyu bya Xifundza lebyi endliweke hi ku landza Xiyenge xa 2(1)(b), na hi ku pfumelana na Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri eka mfumo wa ndhawu hi xitiviso eka *Gazete ya Xifundzankulu*—

- (a) rhuma vufambisi bya; kumbe
- (b) rhurhisa vulawuri bya,

vutirheli bya nhlengelo wa vutirheli bya rihanyu lowu hlamuseriwaka na swiolovisi ku ya eka mfumo wa ndhawu wun'we kumbe ku tlula ley yi khumbhekaka ku sukela hi siku leri ri vuriweke eka xitiviso.

(3) Xirho xi nga ha, endzhaku ka ku tsundzuxana na mavandla lawa ya khumbhekaka, hundzuluxa kumbe ku khansela vurhumiwa byo tano kumbe ku rhurhisa loko mfumo wa ndhawu kumbe mimfumo ya ndhawu leyi yi khumbhekaka yo tsandzeka ku fikelela swilaveko swa xiyenge xa 7(1).

Mbuyelo wa ku rhurhisiwa ka xiolovisi swa vutirheli bya rihanyu ku ya eka Mfumo wa Ndhawu

8. (1) Ku sukela hi siku leri vutirheli bya rihanyu kumbe xiolovisi xi nga rhurhisiwa hi rona ku ya eka mfumo wa ndhawu ehansi ka xiyenge xa 7(2)(b)—

- (a) tirhikhodo ta vufambisi na matsalwa man'wana lawa yelanaka na vutirheli bya rihanyu na swiolovisi lebyi Xirho xi nga ha bohaka swi fanele ku rhurhisiwa ku ya eka mfumo wa ndhawu wo tano;
- (b) mafambisele, ku hlayisa, ku lawula na vulawurinkulu bya vutirheli bya rihanyu na swiolovisi swi fanele ku havaxeriwa Vulawuri bya Rihanyu ra Xifundza endzeni ka xifundza lexi nga tsemiwa; na
- (c) ku rhurhisa vatirhi ku ta fambisiwa hi ku landza Nawu wa Vutirheli bya Vanhu, 1994 (Xitivisanawu xa 103 xa 1994) na Nawu wa Vuxaka bya Ntirhweni, 1995 (Nawu wa 66 wa 1995).

(2) Xirho xi nga ha endla swinawana mayelana na xivumbeko na matirhele ya nhlangano wa vafambisi.

Ku hakelela swiolovisi swa rihanyu na vutirheli lebyi nga rhurhiseriwa eka mfumo wa ndhawu

9. Xirho xi ga ha, ku suka eka timali leti nga vekiwa etlhelo hi xikongomelo hi mfumo wa milawu wa xifundzankulu, pfuna mimfumo ya ndhawu leyi yi fambisaka vutirheli bya rihanyu hi ku landza swiyenge swa 7(2)(a) kumbe (b).

KAVANYISA KA III

TIHUVO TA XIOLOVISI XA VUTIRHELI BYA RIHANYU

Ku hangalasiwa ka tihuvo ta xiolovisi xa vutirheli bya rihanyu

10. Ku hangalasiwa vutirheli bya rihanyu byihi ni byihi lebyi nga kona na huvo ya xiolovisi leyi vumbiweke hi ku landza nawu wihi ni wihi.

Mavumbiwele ya Tihuvo

11. (1) Xirho xi nga ha vumba vutirheli bya rihanyu byo tano na tihuvo ta xiolovisi tani hilaha xi nga ha vonaka swi fanele naswona xi nga ha thya huvo yihi ni yihi yo tano vito.

(2) Loko Xirho xi vumba huvo hi ku landza xiyengenyana xa (1), xi fanele ku—

(a) boha nhlayo ya swirho swa huvo yo tano; na

(b) kombisisa xifundza na/kumbe vutirheli bya rihanyu na swiolovisi leswi huvo yo tano yi nga vumberiwa swona.

(3) Xirho xi nga ha—

(a) hangalasa huvo;

(b) vumba tihuvo to engetela;

(c) engetela kumbe ku hunguta nhlayo ya swiro swa huvo; kumbe

(d) rhurhela vutirheli bya rihanyu kumbe xiolovisi ku suka eka huvo yin'we ku ya eka huvo yin'wana.

Ku thoriwa ka swirho swa tihuvo

12. (1) Ku ya hi makungu ya xiyenge xa 13, swirho hinkwaswo swa huvo swi fanele ku thoriwa hi Xirho. Mutshami wa Xitulu wa kona u fanele ku hlawuriwa hi mukhuva lowu Xirho xi nga ha wu vekaka hi xinawana: Ku ri leswaku a ku na xirho xa huvo lexi xi nga mupraktixinara wa nkarhi hinkwawo eka vatirhi va vutirheli bya rihanyu kumbe eka swiolovisi swihi ni swihi leswi huvo yo tona yi nga vumberiwa swona lexi fanele ku va mutshami wa xitulu wa kona.

(2) Mufambisi wa muganga kumbe xiolovisi lexi huvo yi nga vumbiwa xona u fanele ku va xirho xa *ex officio* xa huvo.

Ku eneta eka ku va swirho swa tihuvo

13. Vanhu lava va landzelaka a va eneti ku va va hlawuriwa tani hi swirho swa huvo, kumbe ku ya emahlweni va va swirho:

(1) Munhu wihi ni wihi loyi a nga ehansi ka malembe ya khumenhungu;

(2) munhu wihi ni wihi loyi a nga riki kahle emiehleketweni loyi a nga tivisiwa hi khoto ya vuswikoti kumbe mutirhela-tiko wa swa nawu;

(3) munhu wihi ni wihi loyi a nga wela ra makumu;

- (4) munhu wihi ni wihi loyi a nga tshama a khomeriwa nandzu naswona a gweveriwa ku tshama ekhotsweni ku nga ri ni ndziho handle ka loko a kumile ndzivalelo wa mahala, kumbe handle kaloko ku khomiwa koloko ku ri ni ntlhanu wa malembe ku nga si fika siku ra ku hlawuriwa;
- (5) munhu wihi ni wihi loyi a nga ni ku tsakela (swin'wana ku tlula ku va xirho xa khamphani ya vanhu ya nkatsano) eka kontraka yihi ni yihi leyi yi nga endliwa hi ku yimela vutirheli bya rihanyu byihi ni byihi kumbe xiolovisi lexi huvo leyi a nga xirho xa yona kumbe xirho xa magingiriko xi nga vumbiwa naswona a tsandzeka ku tivisa ku tsakela ko tano: Ku ri leswaku a ku na nchumu eka ndzimana leyi lexi faneleke ku tekiwa xi nga enetisi laha kontraka yi nga pfumeleriwa na ku voniwa yi laveka eka ku tsakela ka vanhu hi Xirho xa laha kontraka yo tano yi nga hi mayelana na mintirho ya xiprofexini ya mupraktixinara;
- (6) Munhu wihi ni wihi loyi a nga khomeriwa nadzu wo pfumala ku tshembheka, kumbe loyi a nga tivisiwa ku va a tsandzeka ku fambisa timhaka ta yena; kumbe
- (7) Munhu wihi ni wihi loyi a nga susiwa eka hofisi yo thirasiti hi khoto ya vuswikoti.

Nkarhi wo khoma hofisi wa swirho swa huvo

14. Swirho hinkwaswo swa huvo swi fanele ku khoma hofisi ku ringana nkarhi wa malembe manharhu ku sukela siku ra ku thoriwa ka swona: Ku ri leswaku swirho leswi swi nga thoriwa hi Xirho ro sungula eka huvo leyintshwa, leyi nga vumbiwa hi ku landza makungu ya Nawu, swi fanele ku khoma hofisi hi ndlela leyi yi landzelaka:

- (a) N'we-xa-nharhu ku ringana nkarhi wa lembe rin'we;
- (b) n'we-xa-nharhu ku ringana nkarhi wa malembe mambirhi; na
- (c) n'we-xa-nharhu ku ringana nkarhi wa malembe manharhu:

Ku ri ku yisa emahlweni leswaku eka mhaka ya loko xirho xi thoriwile ku siva xivandla xa nkarhinyana; ku thoriwa ko tano ku fanele emhakeni yin'wana ni yin'wana ku va eka nkarhi lowu wu nga se helaka wo khoma hofisi ya xirho lexi ku thoriwa ku nga endliwa endhawini ya xona.

Loko hofisi ya xirho yi va ni xivandla

15. Loko xirho xa huvo xi nga enetisi hi ku landza xiyenge xa 13 kumbe—

- (1) loko a lova; kumbe
- (2) a tshika hofisi ya yena hi ku tsala; kumbe
- (3) a nga ri kona eka tinhlangeletano tinharhu hi ku landzelelana ta huvo a nga ri ni mpfumelelo wa huvo,

hofisi ya yena yi tivisiwa ku va yi ri ni xivandla hi mutshami wa xitulu wa huvo loyi a nga tivisa mhaka eka Xirho u fanele, ku ya hi makungu ya xiyenge xa 12 na 13 thola xirho xo siva xivandla xo tano.

Ku herisiwa ka hofisi ya swirho swa tihuvo, ku thoriwa ka tihuvo ta nkarhinyana, na ku thoriwa ka vanhu lava va nga ta endla kumbe ku yisa emahlweni timfanelo, matimba, swilaveko kumbe mintirho ya tihuvo

16. Xirho xi nga ha herisa nkarhi wo khoma hofisi wa swirho swa tihuvo ku sukela eka siku leri ri nga kombisiwa—

- (a) loko huvo yi honisa ku ringana nkarhi wa tsevu wa tin'wheti ku khoma nhlengeletano; kumbe
- (b) loko xona xi enetisiwa hi leswaku huvo—
 - (i) yi tsandzekile kumbe ku ala ku endla xilaveko kumbe ntirho wihi ni wihi lowu yi rhwexiweke wona hi Nawu lowu kumbe swinawana leswi swi nga endliwa ehansi ka wona; kumbe
 - (ii) yi tsandzekile hi ndlela yo ka yi nga twali kumbe ku ala ku endla mfanelo yihi ni yihi kumbe matimba lawa yi haverisiweke hi Nawu lowu kumbe swinawana leswi swi nga endliwa ehansi ka wona;
 - (iii) yi endlile xihi ni xihi xo ka xi nga ri enawini kumbe xendlo xikulu xo ka xi nga tolovelekangi; kumbe
 - (iv) yi endlile kumbe ku yisa emahlweni timfanelo ta yona, matimba, swilaveko kumbe minirho hi mukhuvo wo ka wu nga ri kahle kumbe lowu nga ni khombo eka vutirheli bya rihanyu kumbe xiolovisi lexi yi nga endleriwa xona; kumbe
- (c) loko nhlayo ya swirho swa huvo yo tano yi hungutekile ku ya eka nhlayo leyi, hi mavonele ya Xirho, yi nga ringanangiki ku fambisa kahle wa kona.

(2) Xirho xi nga ha, endzhaku ka ku tivisa kungu na ku pfumelela huvo nkarhi wo hlamula ehenhla ka swona, tivisa ku va swi nga ha ri na nkoka xiboho xihi ni xihi lexi xi nga pasisiwa enhlungeletanini ya huvo yihi ni yihi lexi, hi mavonele ya yena, a xi endlile hi mukhuva wo ka wu nga ri enawini kumbe wo ka wu nga ri kahle kumbe ku vile maendlela yo ka ya nga ri kahle ya mintirho ya yona kumbe matimba leswi swi nga ni khombo eka vutirheli bya rihanyu bya xifundzankulu, xiolovisi kumbe xindza.

(3) Loko minkarhi yo khoma hofisi ya swirho hinkwaswo swa huvo yi herisiwile hi ku landza xihengenyana xa (1) kumbe, loko ku nga ri na swirho swa huvo, Xirho xi nga ha—

- (a) thola swirho swa huvo yo tano hi ku landza makungu ya Kavanyisa loku naswona hi xikongomelo xexo huvo yo tano yi fanele ku tekiwa yi ri huvo yintshwa;
- (b) thola endhawini ya yona huvo (leyi ku sukela kwala vuriwaka huvo ya nkarhinyana) eka nkarhi wo tano, lowu wu nga hundziki lembe rin'we tani hilaha a nga ha bohaka.

(4) Nhlayo ya swirho swa huvo ya nkarhinyana yi fanele ku ka yi nga hundzi nhlayo ya swirho leyi boheriweke huvo endhawini leyi eka yona huvo ya nkarhinyana yo tano yi nga thoriwa.

(5) Makungu ya Nawu lowu na swinawana leswi swi nga endliwa hansi ka wona mayelana na tihuvo ya fanele ku tirhisiwa eka tihuvo ta nkarhinyana.

(6) Loko ku nga se fika nkarhi wo hela ka nkarhi wo khoma hofisi wa huvo ya nkarhinyana, Xirho xi fanele ku thola swirho eka huvo endhawini leyi huvo ya nkarhinyana yo tano a yi thoriwile naswona huvo yo tano yi fanele ku tekiwa yi ri huvo yinthswa kambe swirho swa kona swi fanele swi nga sunguli ku khoma hofisi ku fikela siku leri ri landzelaka ra ku hela ka nkarhi wo khoma hofisi ya huvo a nkarhinyana yo tano.

(7) Xirho xi nga ha thola eka nkarhi wo tano, wo ka wu nga hundzi lembe rin'we, munhu kumbe vanhu ku endla swihi ni swihi swa timfanelo, matimba, swilaveko swa mintirho ya huvo leyi hi xivangelo xihhi ni xihhi yi nga ta ka yi nga koti ku endla, tani hilaha a nga ha bohaka ha kona.

(8) Xirho xi fanele, ku nga se endliwa xiendlo xihhi ni xihhi ehenhla ka xirho xa huvo—

- (a) tivisa xirho hi swihehlo;
- (b) nyika xirho nkarhi wo hlamula; na
- (c) nyika swivangelo hi ku hetiseka swa xiboho lexi xi nga endliwa.

Timfanelo, matimba, swilaveko na mintirho ya tihuvo

17. (1) Huvo yi nga na—

- (a) endla swibumabumelo eka Nhloko ya Ndzawulo, mufambisi wa xifundza kumbe mufambisi wa vutirheli bya rihanyu kumbe xiolovisi, leswi huvo yo tano yi nga vumberiwa swona, eka timhaka leti ti khumbhaka vutirheli bya rihanyu na hi ndlela na maendlele laha vulawuri, ku lawula, matirhele kumbe vufambisi bya vutirheli bya rihanyu swi nga ha antswisiwaka;
- (b) kambisisa vukahle na vuswikoti ka vatirhela-tiko eka vatirhi va vutirheli byihhi ni byihhi bya rihanyu kumbe ziolovisi lexi huvo yo tano yi nga vumberiwa xona na ku endla swibumabumelo eka Nhloko ya Ndzawulo hi mayelana na swona.

(2) Huvo yi fanele—

- (a) hi mayelana na vutirheli bya rihanyu na swiolovisi leswi yi nga vumberiwa swona ku nyika miehleketo na ku endla swibumabumelo eka Nhloko ya Ndzawulo hi mufambisi wa xifundza eka timhaka hinkwato, swiviko, matsalwa kumbe swibumabumelo leswi swi nga yisiwa eka yona ku swi kambisisiwa na hi mayelana na—
 - (i) mpimanyeto wa lembe wa timali na tirhiselo ra mali;
 - (ii) matirhiselo ya timali ta khapitali;
 - (iii) switatimende swa timali na swiviko swa Oditara wa Xifundzankulu;
 - (iv) ku endliwa ka mintirho yo engetela eka vatirhi va vutirheli bya rihanyu kumbe xiolovisi xo tano;
 - (v) ku dzimiwa, ku engeteleriwa na ku cinciwa ka miako;
 - (vi) ku hlayisiwa ka miako na swingolongodwana;
 - (vii) ku ringanisiwa ka swingologodwana, miako na maendlele;
 - (viii) ku tirhisana na tikontraka;
 - (ix) swinawana;

- (x) xivilelo xihhi ni xihhi xa muvabyi, xirho xa tiko, mupraktixinara wihi ni wihi kumbe xirho xa vatirhi;
- (xi) ikhonomi kumbe vuswikoti; kumbe
- (xii) migiriko hi ku angarhela ya vutirheli bya rihanyu byo tano kumbe xiolovisi;
- (b) ku ringana kwala ka kan'we eka tin'wheti tinharhu tin'wana ni tin'wana, ku hlayeriwa ku sukela eka siku ro sungula ra lembe rin'wana ni rin'wana, ku kambela vutirheli bya rihanyu hinkwabyo kumbe xiolovisi lexi huvo yo tano yi nga vumberiwa xona na ku tivisa Nhloko ya Ndzawulo hi swona;
- (c) ku tsundzuxa mufambisi wa xifundza na mufambisi wa ndhawu hi vutirheli bya rihanyu hinkwabyo kumbe xiolovisi lexi huvo yo tano yi nga vumberiwa xona kumbe Nhloko ya Ndzawulo eka mhaka yihi ni yihi yin'wana leyi yi nga tisiwa eka yona hi mufambisi wa xifundza wo tano kumbe Nhloko ya Ndzawulo; na
- (d) ku endla mintirho yo tano yin'wana na ku endla swilaveko swo tano swin'wana tani hilaha Xirho xi nga bohaka nkarhi ni nkarhi.

Nhlengeletano ya tihuvo

18. (1) Huvo yi fanele ku khoma nhlengelatanano ya yona yo sungula hi siku ro tano na hi nkarhi wo tano na ndhawu tani hilaha Nhloko ya Ndzawulo yi nga ha bohaka hakona.

(2) (a) Nhlengelatanano ya ntolovelo ya huvo yi fanele ku khomiwa hi siku ro tano na hi nkarhi wo tano na ndhawu tani hilaha huvo yi nga ha bohaka hakona.

(b) Hovo yi fanela ku khoma tinhlengeletano leti ti nga ri ki ehansi ka ntsevu hi lembe-ximali rin'wana ni rin'wana.

(c) Munhu loyi a nga vekiwa tani hi matsalana wa huvo hi Nhloko ya Ndzawulo u fanele ku nyika xitiviso xa nkombo wa masiku hi ku tsala xa nhlengeletano ya ntolovelo ya huvo. Xitiviso xo tano xi fanele ku kombisa siku, nkarhi na ndhawu ya nhlengelatanano na mhaka leyi yi nga ta vulavuriwa.

(3) (a) Eka xikombelo xo tsariwa xa kwalomu ka swirho swimbirhi swa huvo mutshami wa xitulu u fanele ku rhamba nhlengelatanano yo hlawuleka ya huvo.

(b) Makungu ya ndzimana ya (2)(c) ya fanele ku tirhisiwa hi mayelana na nhlengeletano yo hlawuleka: Ku ri leswaku loko hi mavonele ya mutshami wa xitulu wa huvo, laswaku mhaka hi leyi ya xihatla, a nga ha lerisa leswaku nkarhi wa xitiviso xa nhlengeletano wu fanele ku va ehansi ka masiku ya nkombo.

(4) Nhlengeletano ya huvo kumbe komiti ya kona yi fanele ku pfuleriwa vanhu, handle kaloko swi pfumeleriwile hi Xirho.

Mutshami wa xitulu wo fambisa etinhlangeletanini

19. (1) Mutshami wa xitulu wa huvo u fanele ku fambisisa eka nhlangeletano yin'wana na yin'wana ya kona.

(2) Loko mutshami wa xitulu a nga ri kona enhlengelatanini yihi ni yihi ya huvo swirho leswi swi nga koa swi fanele ku hlawula exikarhi ka swona mutshami wa xitulu a fambisa eka nhlangeletano yo tano. Xirho lexi xi nga ta va xi hlawuriwile xi fanele ku va ni timfanelo, matimba, swilaveko na mintirho yo fana na ya mutshami wa xitulu wa huvo.

Khoramu

20. Khoramu ya huvo yi fanele ku va na un'we ku tlula hafu ya swirho. A ku na mhaka leyi faneleke ku vulavuriwa enhlengelatanini yihi ni yihi ya huvo handle kaloko khoramu yi ri kona.

Maendlele yo boha swivutiso emahlweni ka huvo

21. (1) Xivutiso xin'wana na xin'wana emahlweni ka huvo xi bohiwa hi vunyingi bya tivhoti ta swirho leswi swi nga kona.

(2) Mutshami wa xitulu wa huvo u na vhoti ya yena naswona emhakeni ya tivhoti leti ti nga ringana, u vhoti vhoti yo engetela.

Tikomiti ta tihuvo

22. (1) Huvo yi, na loko swi laviwa hi Xirho fanele, nkarhi na nkarhi thola yin'we kumbe u tlula ya tikomiti ku nga va hi ku angarhela kumbe ya xiyimo xa hlawuleka kumbe ya vutirheli bya rihanyu byo karhi kumbe xiolovisi. Huvo yi nga ha nyika eka komiti yihi ni yihi yo tano ku ri kumbe ku ri hava swipimelo tani hilaha yi nga vonaka swi fanerile, timfanelo to tano, matimba, swilaveko na mintirho tani hi laha yi nga ha bohaka nkarhi ni kharhi.

(2) Komiti yo tano yi na swirho swa nhlao leyi huvo yi nga ha bohaka.

(3) Komiti yihi ni yihi yo tano yi fanele ku hela endzhaku ka loko yi endlile xikongomelo lexi yi nga tholerwa xona.

(4) Makungu ya xiyenge xa 20 na 21 ya fenele ku tirhisiwa hi myelana na komiti hi yin'we hi yin'we.

(5) Komiti yin'wana ni yin'wana yi fanele ku tivisa matirhele ya yona eka huvo.

(6) (a) Komiti yin'wana ni yin'wana yi halwulaka mutshami wa xitulu wa yona naswona mutshami wa xitulu wo tano u fanele ku khoma hofisi eka nkarhi lowu komiti yi nga ha wu bohaka.

(b) Loko mutshami wa xitulu a nga ri kona enhlengelatanini yihi ni yihi swirho leswi swi nga kona swi fanele ku hlawula mutshami wa xitulu ku fambisa eka nhlangeletano yo tano. Xirho lexi xi nga hlawuriwa xi fanele ku va ni timfanelo to fana, matimba, swilaveko, na mintirho tani hi mutshami wa xitulu wa komiti yo tano.

(7) Xivutiso xin'wana ni xin'wana emahlweni ka komiti xi fanele ku bohiwa hi vunyingi bya tivhoti ta swirho leswi swi nga kona naswona emhakeni ya ku ringana ka tivhoti, mhaka yi ta hundziseriwa eka huvo.

Makanelwa ya tinhlengoletano

23. (1) Makanelwa ya mafambisele ya nhlengoletano yin'wana ni yin'wana ya huvo kumbe ya komiti ya fanele ku hlayisiwa. Xirho xin'wana ni xin'wana xa huvo xi fanele ku nyikiwa kopi ya makanelwa yo tano.

(2) Makanelwa mafambisele, lawa ya nga tiyisiwa hi ku landza xiyengenyana xa (1), ya fanele hi minkarhi hinkwayo ku pfuleriwa ku kamberiwa hi munhu wihi ni whihi loyi a nga nyikiwa mastimba hi Nhloko ya Ndzawulo. Kopi ya kona yi fanele ku yisiwa eka Nhloko ya Ndzawulo hi munhu loyi a nga hlawuriwa ku va matsalani wa huvo hi Nhloko ya Ndzawulo.

Tihakelo na swiengetelo

24. Xirho xi fanele, hi ku pfumelelana na Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri eka timali na matirhisele ya timali, ku boha tihakelo ta swiengetelo na tihakelo tin'wana leti ti hakeriwaka swirho swa huvo.

Swinawana

25. Xirho xi nga ha nkarhi na nkarhi endla swinawana—

- (1) swo veka malawulele, maendlele na mafambisele ya tinhlengoletano ta huvo kumbe komiti yihi ni yihi ya kona;
- (2) swo veka matimba na swilaveko swa mutshami wa xitulu un'wana ni un'wana kumbe mukhomeri wa mutshami wa xitulu wa huvo kumbe komiti;
- (3) swo veka hi ku engetela eka timfanelo, matimba, swilaveko na mintirho ya tihuvo leyi yi nga havexeriwa kumbe ku rhwexiwa hi ku landza makungu ya Nawu lowu, ku yisa emahlweni timfanelo, matimba, swilaveko na mintirho ya huvo;
- (4) swo endla leswaku komiti ya huvo yi fanele, hambiloko ku ri ni makungu ya xiyenge xa 17, ku ka yi nga tirhisi kumbe ku endla mfanelo yihi ni yihi, matimba, xilaveko kumbe ntirho lowu yi nga havexeriwa kumbe ku rhwexiwa huvo hi ku landza makungu ya Nawu lowu kumbe xinawana lexi xi nga endliwa ehansi ka wona;
- (5) swo boha leswaku huvo yihi ni yihi kumbe komiti yi fanele ku, hi ku pfumeleriwa hi Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri, hlanga-nisiwa ni huvo yihi ni yihi yin'wana kumbe komiti leyi yi nga ha simekiwa-ka hi nawu wihi ni wihi wun'wana na ku vekiwa ka swipimelo swa ku tirha kambirhi ko tano; kumbe
- (6) hi ku angarhela mayelana na timhaka hinkwato leti a vonaka ti fanerile kumbe ku va kahle eka ku fikelela swikongomelo swa Kavanyisa loku.

KAVANYISA KA IV

FORAMU YA VUTSUNDZUXI YA RIHANYU YA XIFUNDZANKULU

Ku simekiwa ka Foramu ya vutsundzuxi ya Rihanyu ya Xifundzankulu

26. Xirho xi simeka Foramu ya Vutsundzuxi ya Rihanyu ya Xifundzankulu.

Mavumbiwele ya Foramu

27. Vuxirho bya Foramu byi fanele ku katsa—

- (1) Xirho eka xiyimo ya Mutshami wa xitulu;
- (2) Nhloko ya Ndzawulo;
- (3) Nhloko ya Rhavi loyi a nga ni vutihlamuleri eka vutirheli bya rihanyu;
- (4) Nhloko ya Rhavi loyi a nga ni vutihlamuleri eka timali na vufambisi;
- (5) Mutshami wa xitulu wa Vulawuri bya Rihanyu bya Xifundza ha xin'we xin'we;
- (6) Muyimeri un'we wa nhlagano wa xi purofexininali lowu wu nga ni vuxaka na rihanya ha wun'we wun'we lowu xiyimo xa wona xi amukeriwaka hi Xirho;
- (7) muyimeri un'we wa nhlangano wun'wana na wun'wana wa vatirhi lowu wu amukeriweke eka Huvo ya Mbulavurisano ya Xifundzankulu; na
- (8) ku ya hi ku pfumeleriwa hi Xipikara xa Mfumo wa Milawu, xirho xin'we xo Komiti ya Nkarhi Hinkwawo lexi xi nga ni vutihlamuleri eka rihanyu.

Ku enetisa ka swirho

28. Swipimelo leswi swi nga eka xiyenge xa 13 swi fanele ku tirhisiwa *mutatis mutandis*.

Nkarhi who khoma hofisi wa swirho

29. Swipimelo leswi swi nga eka Xiyenge xa 13 swi fanele ku tirhisiwa *mutatis mutandis* hi mayelana na swirho leswi vuriwaka eka Xiyenge xa 27(6) na (7).

Tinhlengoletano

30. (1) Foramu yi hlangana kwalomu ko ringana kanharhu hi lembe.
- (2) Xirho xi nga ha nyika tinhlengoletano to engetela eka swinawana.
- (3) Makungu ya Xiyenge xa 23(1) ya fanele ku tirhisiwa hi mayelana na makanel-wa.

Tikomiti

31. Xirho xi nga vumba tikomiti ta Foramu naswona xi nga ha lawula mhaka yihi ni yihi leyi yelanaka na tikomiti to tano.

Mintirho**32. (1) Foramu yi fanele ku tsundzuxa Xirho—**

- (a) hi ku hluvuka ka matirhele, na ku sunguriwa na ku hlayisiwa ka vutirheli;
- (b) hi mbulavurisano wa tirhele ra rihanyu, na timhaka leti yelanaka ni rihanyu, eka vanhu; na
- (c) hu hlawuriwa ka Vulawuri bya Rihanyu ra Xifundza na tihuvo tin'wana eka Xirho; na
- (d) hi mhaka yihi ni yihi yin'wana leyi a nga yi hundziseleka eka Foramu.

Swinawana**33. Xirho xi nga ha endla swinawana—**

- (1) hi mayelana na timhaka hinkwato leti xi vonaka ti fanerile kumbe ku va kahle eka ku fikelela swikongomelo swa Kavanyisa loku;
- (2) ku boha leswaku Foramu kumbe komiti yihi ni yihi ya Foramu yi nga ha, hi ku twanana na Xirho lexi xi nga ni vutihlamuleri xa Huvonkulu, hlanganisiwa na Foramu yihi ni yihi yin'wana kumbe komiti leyi yi nga ha simekiwaka hi nawu wihi ni wihi wun'wana.

KAVANYISA KA V**KU AMUKERIWA NA KU TSHUNGURIWA KA VAVABYI****Mfanelo ya ku amukela vavabyi**

34. Ku ya hi makungu ya xiyenge xa 37, mufambisisi un'wana ni un'wana u fanele ku amukela vatshunguriwa eka vutirheli bya rihanyu byihi ni byihi kumbe xiolovisi lexi xi nga emavokweni ya yena, ku fika laha ku ringaneke na ku vona-leswaku vutshamo bya kahle byi kona, vanhu lava va xanisekaka eka kumbe hi mayelana na vuvabyi byihi ni byihi, ku vaviseka kumbe swiyimo swa ku tshunguriwa leswi vutirheli bya rihanyu byo tano kumbe xiolovisi xi nga simekiwaka kona.

Ku ntlawahatiwa ka vavabyi

35. (1) Ku ya hi makungu ya xiyenge xa 36, munhu un'wana na un'wana u fanele ku, loko xikombelo xi endliwile xa ku amukeriwa ka yena eka vutirheli bya rihanyu kumbe xiolovisi kumbe hi ku hatlisa loku ku kotekaka, ntlawahatiwa hi mufambisi kumbe mutirhela un'wana loyi a nga nyikiwa matimba hi ku landza swinawana leswi swi nga endliwa hi ku landza xiyenge xa 41.

(2) Hi swikongomelo swa ziyengenyana xa (1) mufambisi, kumbe mutirhela un'wana loyi a nga nyikiwa matimba, a nga ha koxa vuxoxoko byo tano kumbe matsalwa tani hilaha swi nga vaka swi fanerile, kumbe tani hilaha swi nga ha vekiwaka eka xinawana xihhi ni xihhi lexi xi nga endliwa hi ku landza ziyenge xa 41. Handlekalaha, hi mavonele ya mufambisi kumbe mutirhela wo tano, vutshunguri byi nga ka byi nga vekiwi nkarhi lowu wu landzelaka ku nga ri na makumu ya nghozi kumbe mbuyelo wa

khombo eka munhu loyi a vuriwaka yena eka xiyengenyana xexo, a ku na munhu loyi a faneleke ku amukeriwa tani hi movabyi eka vutirheli bya rihanyu byihi ni byihi kumbe xiolovisi kumbe a kuma vutshunguri handle kaloko vuxokoxoko byo tano kumbe matsalwa ya nyikiwile hi, kumbe hi ku yimela, munhu wo tano, kumbe handle kaloko, ku ya hi makungu ya xinawana xihhi ni xihhi, mufambisi kumbe mutirhela un'wana u enerile hi ndlela yin'wana eka khategori leyi munhu wo tano a welaka kona hi ku landza ziyengenyana xa (1).

(3) Munhu wihi ni wihi loyi, hi swikongomelo swa xiyengenyana xa (2), a swi tiva kumbe hi ku tsakela ka yena a nyikaka vuxokoxoko byihi ni byihi kume matsalwa lawa ya nga vunwa, ya nga riki wona kumbe yo hambukisa u fanele ku voniwa nandzu naswona u fanele ku hakela ndziho lowu mpimo wa kona wu vekiwaka hi Va Nkwama na ku kandziyisiwa eka *Gazete ya Xifundzankulu*; kumbe ku tshika ku hakela hi vomu, ku pfa-leriwa ku ringana nkarhi lowu wu nga hundziki tin'wheti tinharhu.

(4) (a) Munhu wihi ni wihi loyi a vuriwaka eka xiyengenyana xa (1) kumbe munhu wihi ni wihi loyi a tirhaka hi ku yimela yena, loyi a nga tsanakangiki eka ntlawahato wihi ni wihi kumbe ntlawahato-kambe lowu wu nga endliwa hi landza ziyengenyana xa (1) kumbe xinawana lexi xi nga endliwa hi ku landza xiyenge xa 41, a nga ha apila, eka huvo leyi yi nga ni vutihlamuleri eka vutirheli bya rihanyu kumbe xiolovisi lexi xi khumbekaka ku hambana na ku ntlawahatiwa kumbe ku ntlawahatiwa kambe naswona xiboho xa huvo yo tano xi fanele ku va xa makumu.

(b) Loko apili yihi ni yihi leyi yi nga endliwa hi ku landza ndzimana ya (a) yi tiyisisi-wile hi huvo, munhu loyi a khumbekaka loyi ku ntlawahatiwa ka yena kumbe ku ntlawa-hatiwa kambe ka apili yo tano ku endleriweke yona, u fanele ku ntlawahatiwa kambe hi ku landza xoboho xa huvo ku sukela hi siku apili yo tano yi nga nghenisiwa hi rona: Ku ri leswaku loko munhu wihi ni wihi a apila ku hambana na ku ntlawahatiwa hi ku landza xinawana xihhi ni xihhi lexi xi nga endliwa hi ku landza xiyenge xa 41(1)(d), naswona apili yo tano yi tiyisisiwile, xiboho xa huvo xi fanele ku tirhisiwa ku sukela siku ra ku ntlawa-hatiwa ko sungula ka munhu wo tano.

Mintlawa yo karhi ya vanhu lava va nga ntlawahatiwa tani hi vavabyi va phurayivhete

36. (1) Munhu wihi ni wihi loyi a kumaka ku tshunguriwa eka, e kumbe ku suka eka vutirheli bya rihanyu kumbe xiolovisi u fanele ku ntlawahatiwa tani hi movabyi wa phurayivhete—

- (a) loko a kuma ku tshunguriwa ko tano ka mhangu kumbe ku vaviseka hi ku landza leswi mpfuno wa vutshunguri, tani hi laha swi hlamuseriwaka eka xiyenge xa 2 xa Nawu wa Ndziriso wo Vaviseka eNtirhweni ni Vuvabyi, 1993 (Nawu wa 30 wa 1993), u, hi ku landza Nawu wolowo, hakeleka hi kumbe tekiwa ari ndzhwalo wa Khomixinara wa Ndziriso wa Vahirhi kumbe muthori Loko a kuma ku tshunguriwa ko tano hikwalo ka mhangu kumbe ku vaviseka; kumbe
- (b) loko a ri xirho xa vuthu ra vurirheleri ra tiko rin'wana handle ka Afrika Dzonga; kumbe

- (c) loko a ri hikwalaho ka ntirho wa yena eka ntirho wa ndzawulo yihi ni yihi ya Mfumo eka Rhipabliki ra mfumo wihi ni wihi wa le handle kumbe ku tshembela eka munhu wihi ni wihi un'wana ka yena loyi a nga thoriwa, a nga ni mfanelo yo tshunguriwa ku karhi ku hakela ndzawulo yo tano kumbe mfumo; kumbe
- (d) loko a wela eka ntlawa wihi ni wihi wun'wana lowu Xirho xi nga, hi xitiviso xa *Gazete ya Xifundzankulu*, tivisa ku va a nga ringanelangi ku tshunguriwa hi tihakelo ta le hansi; kumbe
- (e) loko a ri xirho lexi xi nga tsarisiwa (kumbe ku tshembela) eka xikimi xa vutshunguri xihhi ni xihhi kumbe nkwama wa mpfuno lowu wu nga tsarisiwa hi ku landza nawu wihi ni wihi; kumbe
- (f) loko a hola ku tlula mali leyi yi nga ta bohiwa nkarhi na nkarhi hi Xirho na ku hangalasiwa eka *Gazete xa Xifundzankulu*, kumbe a tshembele eka munhu wo tano.

(2) Hi swikongomelo swa ndzimana ya (c) ya xiyengenyana xa (1) nhlamuselo ya "any department of State" yi fanele ku katsa Vuthu, tani hi laha swi hlamuseriweke hakona eka xiyenge xa 1 xa Nawu wa Maphorisa, 1958 (Nawu wa 7 wa 1958), na Vutirheli bya Makhotsa, lowu wu nga simekiwa hi xiyenge xa 2 xa Nawu wa Makhotsa, 1959 (Nawu 8 wa 1959).

Endlele ra ku amukeriwa ka vavabyi

37. Vanhu hinkwavo va fanele ku amukeriwa eka vutirheli bya rihanyu kumbe xiolovisi hi ku landza xihatla xa xilaveko xa vona xa vutshunguri tani hilaha swi nga bohiwa hakona hi mutirhi wa vutshunguri loyi a ri entirhweni kumbe mutirhi un'wana wo tano tani hilaha a nga ha nyikiwaka matimba ya ku tirha hi ku yimela yena naswona eka endlele ro tano tani hi laha mutirhi wa vutshunguri wo tano kumbe mutirhi un'wana a nga ha lerisaka ha kona.

Ku tshunguriwa ka vavabyi

38. (1) Munhu wihi ni wihi u fanele ku tshunguriwa eka vutirheli bya rihanyu kumbe xiolovisi hi mupraktixinara wa vutshunguri, kumbe mupraktixinara un'wana loyi a nga entirhweni naswona eka ntirho wa vutirheli bya rihanyu kumbe xiolovisi lexi xi kumbekaka: Hi leswaku—

(2) Vufambisi a byi nge faneli ku hakela tihakelo tihi ni tihi kumbe ku swikweleti movabyi wihi ni wihi eka mupraktixinara wa phurayivhete loyi a nga nyikiwa matimba hi ku landza xiyenge xa 40 ku tirhisa swiolovisi swa Mfumo.

Ku tshunguriwa ka movabyi wa phurayivhete kumbe loyi a hakelaka hakelo yo helela tani hi movabyi wa le handle

39. Tihakelo leti vekiweke hi ku landza xiyenge xa 41(1)(f) ti fanele ku hakeleriwa ku tshunguriwa ku munhu eka vutirheli bya rihanyu kumbe xiolovisi hambi i movabyi wa le xibedlhele kumbe movambyi wa le handle: Ku ri leswaku Xirho xi nga ha ntshuxa hake-lo hinkwayo kumbe hafu ya munhu wihi ni wihi kumbe ntlawa wihi ni wihi wa vanhu ku suka eka ku hakela ka tihakelo to tano.

Ku tshunguriwa ka vavabyi va phurayivhete hi mupraktixinara wa phurayivhete eka vutirheli bya rihanyu na swiolovisi

40. (1) Mupraktixinara wa prayivhete a nga ha endla xikombelo hi ku tsala eka mufambisi xa mpfumelelo wo tshungula vavabyi va yena va phurayivhete eka vutirheli bya rihanyu kumbe xiolovisi naswona mupraktixinara wo tano a nga fanelanga ku tshungulela movabyi wihi ni wihi wo tano kwalaho ku fikela mpfumelelo wo tano wu nyikiwa: Ku ri leswaku mpfumelelo wo tano a wu fanelangi ku nyikiwa handle kaloko mupraktixinara wo tano a endlile hi ku tsala—

- (a) ku landzelela milawu na swinawana leswi swi tirhisiwaka eka vutirheli bya rihanyu kumbe xiolovisi; na
- (b) ku nyika ntirho wo tano wa nkarhi wo koma eka vutirheli bya rihanyu kumbe xiolovisi tani hilaha Nhloko ya Ndzawulo yi nga ha bohaka eka muholo wo tano tani hilaha swi nga bohiwa hakona hi Khomixini ya Vutirheli bya Vanhu.

(2) Nhloko ya Ndzawulo a nga ha veka xipimelo xa leswaku mpfumelelo wo tano wu faneleke ku tirhisiwa ntsena hi mayelana na xiphemu xo karhi xa vutirheli bya rihanyu bya xifundzankulu kumbe swiolovisi leswi xikombelo xi nga endleriwa swona.

(3) Mupraktixinara wa phurayivhete a nga ha apila eka Xirho ku kaneta na ku ala ka Nhloko ya Ndzawulo ku nyika mpfumelelo hi ku landza xiyengenyana xa (1) kumbe ku kaneta ku vekiwa ka xipimelo hi ku landza xiyengenyana xa (2). Xirho xi fanele ku nyika xibiho endzhaku ka ku yingisela swivilelo swihi ni swihi ku suka eka mintlawe leyi.

(4) Mpfumelelo wihi ni wihi lowu wu nga nyikiwa hi ku landza xiyengenyana xa (1) kumbe (3) na xipimelo xihhi ni xihhi lexi xi nga vekiweke hi ku landza swiyengenyana swa (2) kumbe (3), xi nga ha khanseriwa, hundzuluxiwa kumve ku cinciwa hi Xirho hi ku tirhisa miehleketo ya xona.

(5) Laha Nhloko ya Ndzawulo a vonaka leswaku Xirho xi fanele ku endla matimba wahi... hi lowu wa vutirheli eka xiyengenyana xa (4) a nga ha vimisanvana mpfumele-

(6) Loko mpfumelelo wu ariwile kumbe loko xipimelo xi vekiwile hi ku landza xiyengenyana xa (1), (2) kumbe (3), tani hilaha mhaka yi nga ha va yi ri ha kona, kumbe loko mpfumelelo kumbe xipimelo xi khanseriwile, hundzuluxiwile, cinciwile hi ku landza xiyengenyana xa (4), mupraktixinara wa phurayivhete loyi a khumbhekaka a nga ha endla nakambe xikombelo hi ku landza xiyengenyana xa (1) endzhaku ka ku hela ka nkarhi wa tin'wheti ta tsevu ku sukela siku leri mpfumelelo wo tano wu vekiweke, hundzuluxiweke, kumbe wu cinciweke, naswona makungu ya Xiyenge lexi ya fanele ku tirhisiwa *mutatis mutandis* eka xikombelo xintshwa xo tano.

Swinawana

41. (1) Xirho xi nga ha endla swinawana ehenhleni ka timhaka tihi ni tihi leti landzelaka:

- (a) Ku tshunguriwa, amukeriwa, hlayisiwa kumbe ku humesiwa ka vavabyi;
- (b) ku veka mukhuwa lowu ha wona ku ntlawahatiwa hi ku landza Xiyenge xa 35(1) ku nga fanela ku endliwa na minsinya na swikambelwana leswi swi nga ta tirhisiwa hi mayenalana na swona. Minsinya yo hambana-hambana na swikambelwana swi nga ha tirhisiwa hi mayelana na vavabyi va le xibedlele na vavabyi va le handle;
- (c) ku nyika ku ntlawahatiwa-kambe ka muvabyi wihi ni wihi hi nkarhi wihi ni wihi wa ku tshunguriwa ka yena ku sukela siku ra ku sungula ku tirha ka xikombelo xa ku ntlawahatiwa-kambe ko tano;
- (d) ku nyika, ku ya hi makungu ya xiyenge xa 3(4)(b) eka ku lunghisiwa ka ntlawahato wa xihoxo lowu wu nga endliwa. Ku lunghisiwa kwihi ni kwihi ko tano ku fanele ku tirha ku sukela siku ra ntlawahato wa xihoxo wo tano;
- (e) ku ngenisiwa ka apili hi ku landza xiyenge xa 36(4), ku kambisisiwa ka apili yo tano, maendlele lawa ya faneleke ku landzeleriwa na ku nyikiwa ka mhaka yihi ni yihi yin'wana leyi yi nga humelalaka eka apili yo tano, ku katsa na ntlawahato wa nkarhinyana wa munhu wihi ni wihi hi mayelana na loyi apili yo tano yi nga ngeniseriwa yena, ku rindzela ku kambisisiwa ka yona;
- (f) ku veka tihakelo ta ku tshunguriwa ka munhu eka vutirheli bya rihanyu kumbe xiolovisi a nga va a ri muvabyi wa le xibedlele kumbe muvabyi wa le handle;
- (g) ku hlayisiwa ka ku rhula, xichavo, mahanyelo lamanene na ku basa exikarhi ka vavabyi va vutirheli bya rihanyu kumbe xiolovisi;
- (h) ku veka timfanelo na swifundzho swa vapraktixinara va phurayivhete na yimelo leri vapraktixinara vo tano va nga ha kambelaka kumbe ku va na mpfumelelo wo vona vavabyi eka vutirheli bya rihanyu kumbe swiolovisi, kumbe ku va ni mpfumelelo eka tirhekhodo ta timhaka na mbuyelo wa vulavisisi byihi ni byihi lebyi yelanaka na muvabyi loyi enkarhini wa ku amukeriwa ka yena eka vutirheli bya rihanyu bya xifundzankulu kumbe xiolovisi a ri muvabyi wa mupraktixinara wa phurayivhete; na

(i) hi ku angarhela mayelana na timhaka hinkwato leti a vonaka ti fanerile eka ku fikelela swikongomelo swa Kavanyisa loku.

(2) Eku endleni ka xinawana xihhi ni xihhi hi ku landza ndzimana ya (f), (g), (h) kumbe (i) Xirho xi nga ha endla swinawana swo hambana hambana mayelana na vutirheli bya rihanyu byo hambana hambana kumbe swiolovisi.

KAVANYISA KA VI

VATIRHI

Ku rhurhisa, ku tlakusa, na vatirho vo rhumeriwa va nkarhinyana

42. (1) Munhu wihi ni wihi eka vutirheli bya Ndzawulo a nga ha rhurhisiwa kumbe ku tlakusiwa ku ya eka ntirho wo tano tani hilaha Xirho xi nga bohaka ha kona: Ku ri leswaku mutirhi a nga fanelanga ku rhurhisiwa ku suka eka ntirho yin'we ku ya eka yin'wana loko ku rhurhisa ko tano ku katsa ku hungutiwa ka muholo wa yena lowu wu nga ngenisiwaka eka phexeni ya yena tani hilaha swi hlamuseriweke ha kona eka swinawana leswi swi nga endliwa hi ku landza makungu ya Nawu wa Phexeni wa Vutirheli bya Mfumo, 1973 (Nawu 57 wa 1973), handle ka loko ku rhurhisa ko tano ku humelela ehenheleni ka xikombelo naswona hi mpfumelelo wa mutirhi wo tano.

(2) Hi ku pfumeleriwa hi nhloko ya Ndzawulo, naswona endzhaku ka ku tsundzuxana na munhu loyi a khumbhekaka, munhu loyi a nga eka vutirheli bya Ndzawulo a nga ha rhumerwa swa nkarhinyana ku suka eka vutirheli byihhi ni byihhi bya rihanyu kumbe xiolovisi lexi xi nga simekiwa hi ku landza xiyenge xa 2 ku ya eka vutirheli bya rihanyu byihhi ni byihhi byin'wana kumbe xiolovisi kumbe ku ya eka xiyenge xa vufambisi hi ku angarhela xa Ndzawulo ku nga ha va swa nkarhi wo karhi kumbe vutirheli byo karhi.

(3) Nhloko ya Ndzawulo a nga ha lava mutirhi wihi ni wihi swa xinkarhananyana ku endla mintirho handle ka leyi hi ntolovelo yi nga nyikiwa mutirhi wo tano kumbe ku fambelana eka ku siyana, ku thoriwa ka poso ya yena ku ri leswaku mutirhi u thwaserile ku endla mintirho ya kona.

Kopi ya mafambisele ya matikhomele yo biha leyi yi faneleke ku yisiwa eka bodo huvo ya purofexini leyi mutirhi a nga titsarisa na yona

43. Loko mutirhi loyi a lavekaka ku va a tsarisile tani hi mupraktixinara a kumekile a ri ni nandzu wa matikhomele yo biha hi ku landza xiyenge xa 23 xa Nawu wa Vutirheli bya Vanhu, 1994 (Xitivisanawu xa 103 xa 1994), kopi leyi yi nga fakazaka ya mbuyelo wa kona yi fanele ku yisiwa eka Bodo kumbe Huvo leyi mutirhi wo tano a nga titsarisa na yona.

Ku thoriwa ka mutirhi wa hlonipheka kumbe mutirhi wo tinyeketa

44. (1) Nhloko ya Ndzawulo a nga ha, hi mayelana na xiolovisi xa vutirheli xihhi ni xihhi kumbe vandla leri ri nga simekiwa hi ku landza xiyenge xa 2, thola vatirhi vo hlonipheka vo tano na vatirhi vo tinyiketa tani hilaha yena a nga ha vonaka swi ri kahle.

(2) Kavanyisa ku fanele ku nga tirhi eka mutirhi wo hlonipheka wihi ni wihi kumbe mutirhi wo tinyiketa loyi a nga thoriwa hi ku landza xiyengenyana xa (1), kambe Nhloko ya Ndzawulo a nga ha boha swipimelo swa ntirho swa mutirhi wo tano kumbe mutirhi naswona u fanele ku tsundzuxa mutirhi wo tano kumbe mutirhi hi ndlela leyi yi faneleke.

KAVANYISA KA VII

MIMBANGO YO DYONDZISA KU HLAYISA RIHANYU

Nhlangano wa vutirheli bya xifundzankulu na xiolovisi na tiyunivhesiti, thekinikhoni na tikholichi ku endlela swikongomelo swo dyondzisa

45. (1) Xirho xi nga ha pfumela leswaku vutirheli bya rihanyu (eka Kavanyisa loku loku ku vuriwaka tani hi Mbango wo Dyondzisa ku Hlayisa Rihanyu) byi nga ha hlanganisiwa na yunivhesiti, thekinikhoni kumbe kholichi leyi yi nga ni ndzawulo ya vutshunguri, ntivo-meno kumbe tisayense ta rihanyu, ku endlela swikongomelo swa mintirho ya tidyondzo eka Mbangu wo Dyondzisa ku Hlayisa Rihanyu wo tano ka vadyondzi eka ndzawulo yo tano.

(2) Ku endlela swikongomelo swa Kavanyisa loku, marito "medicine" na "medical services" ya fanele ku katsa "health services" na "nursing services" hi ku landzelelana.

(3) Xirho xi nga ha nghena eka ntwanano wa ximfumo na yunivhesiti yihi ni yihi, thekinikhoni kumbe kholichi laha ku thola ko hlanganisa ku endliwaka.

Ku thoriwa ka vadyondzisi eka xiolovisi xa vutirheli bya rihanyu byo dyondzisa

46. (1) Ku ya hi makungu ya Kavanyisa loku, Xirho xi nga ha thola eka ntirho lowu nga pfumeleriwa eku simekiweni ka vutirheli bya rihanyu kumbe xiolovisi lexi yena a, hi ku tsundzuxana na yunivhesiti leyi yi khumbhekaka, lowu vekiweke tani hi ntirho wo dyondzisa, naswona ku thoriwa ko tano ku fanele ku vuriwa ku thoriwa ko hlanganisa.

(2) (a) A ku na munhu loyi a faneleke ku thoriwa hi ku landza xiyengenyana xa (1) handle kaloko Xirho na yunivhesiti, thekinikhoni kumbe kholichi va twananile hi—

- (i) munhu loyi a nga thoriwa;
- (ii) muholo na swiengetelo leswi swi nga ta hakeriwa eka munhu wo tano;
- (iii) ku hoxa xandla hi swa timali ka yunivhesiti hi mayelana na muholo na swiengetelo swo tano; na
- (iv) swipimelo swa ku thoriwa na ntirho wa munhu wo tano.

(b) Loko Xirho na yunivhesiti, thekinikhoni kumbe kholichi leyi yi khumbhekaka va nga twanani tani hilaha swi vuriweke hakona eka ndzimana ya (a), Xirho xi nga ha boha poso leyi yi khumbhekaka ku va yi nga ri poso yo hlanganisa.

(3) Munhu wihi ni wihi loyi a nga thoriwa hi ku landza xiyengenyana xa (1), u fanele ku—

- (a) nyika xileriso eka vutirheli bya rihanyu kumbe xiolovisi eka lexi a nga tholeriwa ku tirha kona na le yunivhesiti, thekinikhoni kumbe kholichi leyi yi nga ni vuxaka ni swichudeni eka ndzawulo ya vutshunguri, ntivo-meno kumbe sayense ya rihanyu yin'wana hi ku engetela eka ku nyika vutirheli eka vanhu;
- (b) tirha eka vutsundzuxi hi ku angarhela na le ka xiyimo xa vutsundzuxi hi mayelana na vutirheli bya xipurofexini lebyi byi nyikiwaka hi vutirheli bya rihanyu byo tano kumbe xiolovisi kumbe hi vutirheli bya rihanyu byihi ni byihi byin'wana, xiolovisi kumbe vandla leri ri nga simekiwa hi ku landza xiyenge xa 2; na
- (c) endla mintirho yin'wana yo tano tani hilaha ku nga ha twananiwaka hakona exikarhi ka Xirho na yunivhesiti, thekinikhoni kumbe kholichi hi nkarhi wa ku thoriwa koloko kumbe endzhaku ka swona.

Ku thoriwa ka vudyondzisi hi kontraka

47. Xirho xi nga ha, endzhaku ka ntwanano na yunivhesiti, thekinikhoni kumbe kholichi leyi yi khumbhekaka, endla ku thola ka vudyonzisi tani hilaha swi nga languteriwaka eka xiyenge xa 46(1) hi kontraka eka nkarhi wo tano naswona hi mayelana ni swipimelo swa matholelo yo tano na vutirheli tani hilaha ku nga ha twananiwaka hakona.

Mpfumelelo wo nghena eka swiolovisi swa vutirheli bya rihanyu bya xifundzankulu swa vatirhi va yunivhesiti lava va nga thoriwangiki hi ku hlanganela

48. (1) Yunivhesiti, thekinikhoni kumbe kholichi swi nga ha nkarhi wihi ni wihi kombelela mpfumelelo eka Xirho wa munhu eka vatirhi va yunivhesiti yo tano, thekinikhoni kumbe kholichi naswona loyi a nga thoriwangiki hi hlanganela hi ku landza xiyenge xa 46(1) kumbe hi ku landza xiyenge xa 47 a nyikiweke mpfumelelo wo nghena eka vutirheli bya rihanyu bya xifundzankulu kumbe xiolovisi hi xikongomelo xa ku dyondzisa na ku nyika swiletelo eka swichudeni eka ndzawulo ya vutshunguri, ntivo-meno kumbe ndzawulo yin'wana eka yunivhesiti yo tano, thekinikhoni kumbe kholichi: Ku ri leswaku ku nga ha vekiwa swipimelo swo tano tani hilaha a nga ha vonaka swi fanerile, ku katsa xipimelo xa leswaku mpfumelelo wo tano wu fanele ku tirha ntsena hi ku landza xiphemu xo karhi xa vutirheli bya rihanyu bya xifundzankulu hi ku landza leswi xikombelo xi nga endleriwa swona.

(2) Mpumelelo wihi ni wihi lowu wu nga nyikiwa kumbe xipimelo lexi xi nga vekiwa hi ku landza xiyengenyana xa (1) xi nga ha khanseriwa, hundzuluxiwa, kumbe ku cinciwa hi Xirho.

(3) Yunivhesiti, thekinikhoni kumbe kholichi leyi vuriwaka eka xiyengenyana xa (1) yi nga ha nkarhi wihi ni wihi—

- (a) pfuxeta xikombelo xa mpfumelelo lexi xi nga ariwa hi ku landza xiyengenyana xa (1) kumbe khansela hi ku landza xiyengenyana xa (2); kumbe

- (b) endla xikombelo xa ku rthurhisiwa kumbe ku cinciwa ka xipimelo xihi ni xihi lexi xi nga ngenhisiwa hi ku landza xiyengenyana xa (1) kumbe (2), tani hilaha swi nga ha vaka hakona.

Ku ariwa ka mpfumelelo wo nghena wa swichudeni swa yunivhesiti, thekinikhoni kumbe kholichi

49. Xirho xi nga ha alela xichudeni eka ndzawulo ya vutshunguri, ntivomeno kumbe ndzawulo yin'wana eyunivhesiti, thekinikhoni kumbe kholichi, mpfumelelo wo nghena eka vutirheli bya rihanyu kumbe xiolovisi, kumbe xiphemu xa kona tani hi xipimelo xo tshinya, kumbe xi nga ha pfumelela ku nghena hi ku ya hi swipimelo tani hilaha xi nga ha vonaka swi ringanile. Xichudeni lexi xi nga xupuriwa ka nawu eka mhaka leyi xi nga ha apila eka Xirho lexi xi nga ha tiyisisaka, khansela, cinca kumbe hundzuluxa xiboho xa xona.

Swinawana

50. Xirho xi nga ha, endzhaku ka ku tsundzuxana na yunivhesiti, thekinikhoni kumbe kholichi leyi yi khumbhekaka, endla swinawana hi mayelana na timhaka hinkwato leti xi nga ha vonaka ti ri ni nkoka eka ku fikelela swikongomelo swa Kavanyisa loku.

KAVANYISA KA VIII

SWIOLOVISI SWA VUTIRHELI BYA RIHANYU SWA PHURAYIVHETE

Swiolovisi swa vutirheli bya rihanyu swa phurayivhete na ku pfuniwa hi mfumo ka vutirheli bya rihanyu byo tano na swiolovisi

51. (1) Ku sukela hi siku leri ri nga ta vekiwa hi Xirho hi xitiviso eka *Gazete ya Xifundzankulu*, a ku na xiolovisi xa rihanyu xa phurayivhete lexi xi faneleke ku simekiwa, ku engeteleriwa, ku fambisiwa kumbe ku hlayisiwa handle kaloko xi tsarisiwile hi ku landza swinawana swo tano tani hilaha Xirho xi nga ha swi endlaka hakona. Eka xinawana xihi ni xihi xo tano, kungu ri nga ha endlwa eka swiyimo swa timhaka leswi eka swona ku tsarisa ko tano ku nga ha khanseriwaka.

(2) Munhu wihi ni wihi loyi a simekaka, engetelelaka, fambisaka kumbe a hlayisaka, kumbe a pfunaka eku simekeni, engeteleleni, fambiseni kumbe ku hlayiseni xiolovisi xa rihanyu xa phurayivhete hi ku tlula makungu ya xiyengenyana xa (1), u fanele ku voniwa nandzu naswona u fanele eku voniweni ka yena nandzu ku hakela ndziho wa mali leyi yi nga ta hangalasiwa eka *Gazete ya Xifundzankulu*, kumbe eku tsandzekeni ku hakela, ku pfaleriwa ku ringana nkarhi lowu wu nga hundziki 12 wa tin'wheti kumbe ha swimbirhi ku hakela ndziho wo tano na ku pfaleriwa ko tano.

(3) Xirho xi nga ha eka swipimelo swo tano tani hilaha xi vonaka swi ringanile, siya ehandle vutirheli byihi ni byihi bya rihanyu bya phurayivhete kumbe xiolovisi ku suka eka makungu ya xiyengenyana xa (1).

(4) Xirho xi nga ha, ku suka eka timali leti averiweke hi xikongomelo xa kona hi Mfumo wa Milawu wa Xifundzankulu endla ku pfuna hi mfumo eka mintsengo yo tano tani hilaha swi nga voniwaka swi ri ni nkoka eka vutirheli bya rihanyu bya phurayivhete kumbe xiolovisi lexi xi nyikaka vutirheli eka vavabyi lava va nga riki va phurayivhete.

(5) Xirho, eku endleni ka ku pfuna kwihi ni kwihi ka mfumo hi ku landza xiyengenyana xa (4), xi nga ha veka swipimelo swo tano na ku veka swilaveko swo tano tani hilaha swi nga voniwaka swi ringanile, ku katsa na xilaveko xa leswaku muyimeri wa Xirho u fanele ku thoriwa eka huvo ya vufambisi kumbe ku fana na nhlangano wa vutirheli bya rihanyu bya phurayivhete kumbe xiolovisi lexi xi khumbhekaka.

(6) (a) Oditara ya Xifundzankulu kumbe munhu wihi ni wihi loyi a nga nyikiwa matimba kwalaho u fanele ku kambela tibuku, tinkota kumbe tirhikhodo ta vutirheli bya rihanyu bya phurayivhete eku emukeleni ka ku pfuna hi mfumo loku ku vuriwaka eka xiyenge xa (4).

(b) Vutirheli bya rihanyu bya phurayivhete byo tano kumbe xiolovisi xi fanele ku vonisisa leswaku tibuku hinkwato, switatimende swa tinkota, tivhocha na matsalwa yan'wana yo tano na maphepha tani hilaha swi nga ta laveka hi nkarhi wa ku odita, swi nyiketiwa Oditara wa Xifundzankulu kumbe munhu loyi a nga nyikiwa matimba hi ku landza ndzimana ya (a).

(c) Oditara wa Xifundzankulu u fanele ku nyika eka Vufambisi xiviko hi ku tsala naswona u fanele ku tiyisisa eka lembe rin'wana ni rin'wana hambu kumbe e e—

- (i) hi mayelana na vutirheli bya rihanyu bya phurayivhete byo tano kumbe tibuku na tirhikhodo ta xiolovisi ti hlayisiwile;
- (ii) phepha ra ndzinganiso ra lembe na xitatimende xa tinkota ta vutirheli bya rihanyu bya phurayivhete byo tano kumbe xiolovisi na mbuyelo wa nxavelano wa xona eka nkarhi lowu wu khumbhekaka;
- (iii) Makungu ya Kavanyisa loku ya landzeleriwele; na
- (iv) Swilaveko hinkwaswo na swibumabumelo swi landzeleriwele.

(7) Huvo ya vufambisi ya vutirheli bya rihanyu bya phurayivhete byin'wana na byin'wana kumbe xiolovisi eku amukeleni ka ku pfuniwa hi mfumo loku ku languteriwaka eka xiyengenyana xa (4), yi fanele hi tin'hweti tinharhu endzhaku ka ku pfala ka lembe-ximali, nyiketa eka Xirho, xiviko xa ku tirha ka vutirheli bya rihanyu bya phurayivhete byo tano kumbe xiolovisi enkarhini wa lembe-ximali.

(8) Ntsengo wa ku pfuna ka mfumo kun'wana hi kun'wana lowu vuriwaka eka xiyengenyana xa (4), a wu fanelanga ku bohiwa ra makumu handle kaloko Oditara wa Xifundzankulu a yisile xiviko lexi vuriwaka eka xiyengenyana xa (6)(c): Ku ri leswaku, eku yimeleni xiboho xo tano xa makumu xa ku pfuna hi mfumo, Xirho xi nga ha, ku ya hi makungu ya xiyengenyana xa (11), endla ku nyika ka eka vutirheli bya rihanyu bya phurayivhete kumbe xiolovisi lexi xi khumbhekaka eka ntsengo wo tano tani hilaha xi nga ha bohaka.

(9) Loko—

- (a) xiolovisi xa vutirheli bya rihanyu bya phurayivhete eku amukeleni ka ku pfuniwa hi mfumo loku ku languteriwaka eka xiyengenyana xa (4), xi tsandzekile ku landzelela xipimelo lexi xi nga vekiwa kumbe xilaveko lexi xi nga andlariwa, hi ku landza xiyengenyana xa (5);
- (b) ku pfuna ka mfumo eka vutirheli lebyikulu ku nga tirhisewangi eka vutirheli byo tano enkarhini wa kahle tani hilaha swi nga bohiwa hi xirho; kumbe
- (c) ku pfuna ka mfumo ku endlwile ku tlula loku ku languteriwaka eka xiyengenyana xa (8),

xirho xi nga ha teka magoza yo tano tani hilaha swi nga ha bohaka ku lunghisa hinkwako kumbe xiphemu xo tano xa ku pfuna ka mfumo kumbe ku pfuna ka mfumo ka nkarhinyana loku ku vuriwaka eka xiyengenyana xa (8) hi ku tekela enhlokweni matshamele ya timhaka ta mhaka ya kona.

(10) Hi tlhelo ra nkwetlembetano wihi ni wihi lowu vaka kona eku tirhiseni ka matimba lawa ya nga rhwexiwa Xirho hi Xiyenge lexi na matimba lawa ya nga rhwexiwa mfumo wa ndhawu hi ku landza nawu wihi ni wihi wun'wana, matimba lawa ya tirhisiwaka hi Xirho ya fanele ku tama ya va kona.

(11) Xirho xi nga ha hi xinawana nyiketa ku kamberiwa ka vutirheli bya rihanyu bya phurayivhete byihi ni byihi kumbe xiolovisi hi kumbe hi ku yimela Nhloko ya Ndzawulo.

KAVANYISA KA IX

TIN'WANA NA TIN'WANA

Ku phakeriwa ka swilaveko swa le xikarhi, na swin'wana eka titliniki ta le handle

52. (1) Ku ya hi ku pfumeleriwa hi Va Nkwama, Nhloko ya Ndzawulo yi nga ha phakela eka vukule lebyi kotekaka hi nxavo wo katsa, swidzidziharisi, swiambalo, swilaveko swa vutshunguri, switirhisiwa kumbe swibye swin'wana kumbe vutirheli, eka vutirheli bya rihanyu byihi ni byihi kumbe xiolovisi lexi xi nga simekiwa, hlayisiwaka, lulamisiwaka, lawuriwaka kumbe ku yisiwa emahlweni hi mfumo wa ndhawu wihi ni wihi hi ku landza nawu wihi ni wihi kumbe eka vutirheli bya phurayivhete byihi ni byihi kumbe xiolovisi eka ku amukela ku pfuniwa hi mfumo tani hilaha swi languteriwaka eka xiyenge xa 51(4) kumbe eka vandla rihi ni rihi kumbe munhu loyi a endlaka ntirho kumbe hi ku yimela eka xiolovisi xa vutirheli bya rihanyu bya xifundzankulu, hi mayelana na vutirheli byo tano.

(2) Mali yihi ni yihi leyi yi kumiwaka hi Nhloko ya Ndzawulo hi ku landza xiyengenyana xa (1) yi fanele ku tlheriseriwa eka muholeri jenerala wa tinkota ta ndzawulo.

Ku nyiketiwa ka timfanelo, matimba, swilaveko kumbe mintirho

53. (1) Xirho xi nga ha nyika mfanelo, matimba, xilaveko kumbe ntirho, eka Nhloko ya Ndzawulo naswona xi nga ha nyika matimba eka Nhloko ya Ndzawulo ku nyiketa mfanelo, matimba, xilaveko kumbe ntirho wo tano eka munhu wihi ni wihi un'wana eka vutirheli bya ndzawulo kumbe xifundza tani hilaha Xirho xi nga ha lerisaka hakona kumbe ku tsandzeka xileriso xo tano, tani hilaha Nhloko ya Ndzawulo yi nga ha bohaka: Ku ri leswaku a ku na mfanelo yo tano, matimba, xilaveko kumbe ntirho wu faneleke ku nyikiwa eka Nhloko ya Ndzawulo hi mayelana na mhaka yihi ni yihi loko vukahle bya xiboho xa kona byi ri hi ku ya hi apili eka Xirho hi ku landza xiyenge xa 40.

(2) Nhloko ya Ndzawulo yi nga ha nyiketa timfanelo, matimba, xilaveko kumbe ntirho wo tano lowu yi nga rhwexiwa hi ku landza makungu ya Nawu lowu eka munhu un'wana wo tano eka vutirhelo bya xifundza tani hilaha a nga ha bohaka hakona: Ku ri leswaku a ku na nchumu eka Xiyenge lexi xi nga kona lexi faneleke ku tekiwa xi pfumelela Nhloko ya Ndzawulo ku tiyisisa eka vutihlamuleri lebyi byi nga vekiwa ehenhla ka yena hi mayelana na vufambisi na vulawuri bya swifundza.

Ku lawuriwa ka swofamba eka miako yo karhi

54. Xirho xi fanele ku lawula swofamba eka miako ya vutirheli bya rihanyu kumbe xiolovisi xihi ni xihi, tiliniki, kholichi kumbe vandla leri ri nga simekiwa hi ku landza xiyenge xa 2, naswona xi nga ha—

- (1) endla swinawana swa ku yirisiwa, fambisiwa na ku lawuriwa ka swofamba swo tano;
- (2) nyika na ku hlayisa swiolovisi swo paka eka miako yo tano;
- (3) boha tihakelo leti ti faneleke ku hakeleriwa ku tirhisa swiolovisi swo paka leswi swi nga nyikiwa hi ku landza xiyengenyana xa (2); na
- (4) ku nghena eka ntwanano wihi ni wihi wo tsariwa na munhu wihi ni wihi ku fuma na ku lawula ku tirhisiwa ka swiolovisi swo paka leswi swi nga nyikiwa hi ku landza xiyengenyana xa (2) hi mayelana ni xinawana xihi ni xihi lexi xi nga endliwa hi ku landza xiyengenyana xa (1) na ku hakerisa tihakelo leti ti nga bohiwa hi ku landza xiyengenyana xa (1).

Swinawana

55. (1) Xirho xi nga ha nkarhi na nkarhi endla swinawana leswi xi nga ha vonaka swi fanerile eka ku fikelela swikongomelo swa Nawu lowu, ku katsa na ku bohiwa ka tihakelo ta vutirheli lebyi byi nga nyikiwangiki. Swinawana swo hambana hambana swi nga ha endliwa eka mayimele yo tano ya timhaka tani hilaha Xirho xi nga ha bohaka.

(2) Xinawana xin'wana na xin'wana lexi xi nga endliwa hi ku landza Nawu lowu xi fanele ku hangalasiwa eka *Gazete ya Xifundzankulu* naswona xi fanele ku nga si hela masiku ya nkombo ya siku ra ku hangalasiwa ka xona xi andlariwa eka *Mfumo wa Milawuwa Xifundzankulu*, loko *Mfumo wa Milawu wa Xifundzankulu* wu ri ni ntshamo, kumbe loko wu nga ri ni ntshamo, hi masiku ya nkombo ya ku sungula ka ntshamo wa wona lowu wu landzelaka.

(3) Hi nkarhi wa ntshamo laha xinawana xihhi ni xihhi xi nga andlariwa eka Mfumo wa Milawu wa Xifundzankulu, Mfumo wa Milawu wa Xifundzankulu wu nga ha—

- (i) pfumelela xinawana xo tano;
- (ii) ala xinawana xo tano; kumbe
- (iii) xi tlherisela eka Xirho.

Miriho

56. Ndziho wun'wana na wun'wana lowu wu nga vekiwa kumbe mali yihi ni yihi kumbe tidipositi leti nga dyiwa hi ntava kumbe ku dyiwa hi ntava loku ku nga tivisiwa hi ku landza Nawu lowu kumbe swinawana leswi nga endliwa ehansi ka wona ti fanele ku hakeriwa eka konta ya Mali ya tiko ya Xifundzankulu.

Ku herisiwa ka milawu na ku hlayisa

57. (1) Milawu leyi nga vuriwa eka Xedulu ya herisiwa ku fikela eka xiyimo lexi kombisiweke eka rixaxa ra vunharhu ra yona.

(2) Xitivisa-nawu xihhi ni xihhi, xinawana, xitiviso, xileriso, xiyiriso, vulawuri, mpfumelelo, vuxoxoko kumbe tsalwa leri humesiweke, na goza rihi ni rihi rin'wana leri ri nga tekiwa ehansi ka kungu rihi ni rihi ra nawu lowu herisiweke hi xiyengenyana xa n(1), swi fanele ku tekiwa swi humesiwile kumbe ku tekiwa ehansi ka makungu lawa ya fambelanaka na swona ya Nawu lowu.

Nhloko-mhaka hi ku komisa no sungula ku tirha

58. Nawu lowu wu fanele ku vitaniwa Nawu wa Vutirheli bya Rihanyu bya Xifundzankulu xa N'walungu, 1998, naswona wu sungula ku tirha hi siku leri ri nga vekiwa hi Holobyenkulu hi xitivisa-nawu eka *Gazete ya Xifundzankulu*.

XEDULU

MILAWU LEYI NGA HERISIWA

Nomboro na lembe ra nawu	Nhlokomhaka hi ku komisa	Vukulu bya ku khansela
Nawu wa 14 wa 1958.....	Nawu wa xibedlhele wa 1958	Hinkwawo.
Nawu wa 13 wa 1984.....	Nawu wa Rihanyu wa Venda, 1984	Xiyenge xa 28 tani hilaha xi hlamuselaka eka swio-lovisi swa vutirheli bya rihanyu.
Nawu wa Rihanyu	1978	

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

No. 4**1999**

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

No. 5 wa 1998: Molao wa Ditirelo-Maphelo wa Profense ya Leboa, 1998

MOLAO

Go momagantšha melao yeo e tswalanago le ditirelo le ditlabakelo tša maphelo tša Profense ya Leboa le go beakanyetša ditaba tšeo di amanago le tšona

*(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 4 Januare 1999)*

KA GE GO BEWA MOLAO ke Lekgotla-Peamelao la Profense ya Leboa ka fao go latelago:

Ditlhalošo

1. Ka gare ga Molao wo, ntle le ge diteng di laetša ka mokgwa wo mongwe—
 - "boto" ke go re boto ya tirelo ya maphelo yeo e bopilwego go ya ka Karolo 11;
 - "Hlogo ya kgoro" ke go re hlogo ya kgoro yeo e beilwego bjalo ka Mohlannkedi-Moarabedi yoo a ikarabelago maphelo ao a šupetšwago ka go karolo 4;
 - "kalafo" e akaretša peakanyetšo ya thibela:
 - (a) Dijo le marobalo;
 - (b) tlhokomelo ya tša booki;
 - (c) Kalafo ya tsošološo, therapi, meno, pelego, go buiwa goba ya dihlare;
 - (d) ditshepedišo tša go phekola; le
 - (e) go eletša;
 - "Kgoro" ke go re kgoro yeo e rwelego boikarabelo bja ditirelo tša maphelo ka gare ga profense;
 - "Leloko" ke go re Leloko la Lekgotla-Phethišo la go ikarabela maphelo;

"makgone" ke go re motho yoo a ngwadišitšwego bjalo ka profesešane go ya ka dipeakanyetšo tša Molao wa Ditirelo-Maphelo tša Tlaleletšo, Meno le Kalafo, 1974 (Molao 56 wa 1974 Molao wa Famasi, 1974 goba Molao wa Booki, 1957 (Molao 69 wa 1957);

"makgone wa praebete" ke go re—

- (a) makgone yoo a sego tirelong ya Mmušo wa Profense ka botlalo; goba
- (b) makgone yoo e sego moswari wa thwalo ya borutiši go ya ka karolo 47(1) goba karolo 48;

"Mmušo" ke go re Mmušo wa Profense ya Leboa;

"Mmušo-Selegae" ke go re mmušo-selegae woo o bopilwego go ya ka Kgaolo 7 ya Molaotheo wa Repabliki ya Afrika Borwa, 1996 (Molao 108 wa 1996);

"Molaodi wi tikologo" ke go re molaodi yoo a šupetšwago ka go karolo 4;

"Molao wo" o akaretša melawana; gomme

"molwetši wa ka gare" ke go re molwetši yoo e sego molwetši yoo a humanago kalafo ka gare ga setlabakelo sa Ditirelo tša Maphelo;

"molwetši wa ka ntle" ke go re molwetši yoo a sa amogelwago setlabakelong sa ditirelo tša maphelo;

"ngwaga wa ditšhelete" ke go re paka magareng a letšatši la mathomo la April ngwageng ofe le ofe le letšatši la masometharo-tee la Matšhe ngwageng woo a hlatlamago, go akaretšwa matšatši ao ka bobedi;

"setlabakelo sa maphelo" ke go re setlabakelo sa maphelo se šupetšwago ka go karolo 2(2);

"setlabakelo sa maphelo sa praebete" ke go re setlabakelo sa maphelo seo e sego setlabakelo sa tirelo ya maphelo seo Mmušo wa Profense ya Leboa go akaretšwa Taolo le ge e ka ba mmušo-selegae e sego mong wa sona, le ge e ka ba go laolwa ke Mmušo wa Profense goba mmušo-selegae;

"setlabakelo sa maphelo sa mošomo wo o kgethegilego" ke go re setlabakelo seo se beetšwego ka thoko ka nepo ya kalafo ya bolwetši bja mafahla, phokolo ya monagano goba seemo sefe le sefe se sengwe gomme se hlaotšwego bjalo ke Leloko go ya ka karolo (2)(3)(d);

"setlabakelo sa tšhupetša-maphelo sa Profense" ke go re setlabakelo seo se hlaotšwego blalo ke Leloko go ya ka karolo (2)(4)(c);

"setlabakelo sa tšhupetša-maphelo sa Selete" ke go re setlabakelo seo se hlaotšwego ke Leloko go ya ka karolo (2)(4)(b);

"setlabakelo sa maphelo sa tikologo" ke go re setlabakelo seo se hlaotšwego ke Leloko go ya ka karolo (2)(4)(a);

"Taolo" ke go re Taolo ya Profense ya Leboa go akaretšwa le Mmušo wa Profense ya Leboa;

"tikologo" ke go re tikologo-thutafase yeo e segilwego e šupetšwago ka go karolo 2;

"tirelo ya maphelo" ke go re tirelo efe le efe yeo e beakanyeditšwego ka gare, goba e thekgago ditlabakelo tša maphelo tšeo di šupetšwago ka gare ga dikarolo 2(2) le (4).

KGAOLO I

TIRELO YA MAPHELO LE DITLABAKELO

Tlhamo le Peakanyo ya Ditirelo tsa Maphelo

2 (1) Leloko le ka, ka dinepo tša taolo e botse le go neelwa ga ditirelo tšeo di matlafetšego le go logagana ka gare ga Profense ya Leboa ka tsebišo ka gare ga *Kuranta ya Profense*—

- (a) sega ditikologo tša go bopša ke e tee goba tše ntši tša ditikologo tša mmušo-selegae gomme gwa beakanywa leina leo ka lona tikologo yeo e ka tsebjago ka yona;
- (b) mabapi le tikologo e nngwe le e nngwe yeo e goeditšwego bjalo, hlama Taolo-maphelo ya Tikologo ka kwano le mebušo-selegae yeo e amegago yeo e bolelwago ka go Karolo 156(4) ya Molaotheo wa Repabliki ya Afrika Borwa, 1996 (Molao 108 wa 1996); le go
- (c) fetoša goba go gomiša tsebišo e nngwe le e nngwe ka gare ga *Kuranta ya Profense* ge eba e le ka kgahlego ya taolo yeo e tiilego.

(2) Dipeakanyetšo ka gare ga Kgaolo III di šoma Ditaolo-Maphelo tša Tikologo: Ge e le gore diboto le dikomiti ka moka tšeo di hlametšwego ditirelo-maphelo tša tikologo le ditlabakelo, go sa akaretšwe tšeo di laetšwego go ya ka dikarolwana 2(4)(b), (c) le (d), di thuša taolo-Maphelo ya Tikologo yeo di beilwego ka gare go yona."

(3) Leloko le ka hloma ditlabakelo tša maphelo le ditirelo ka gare ga ditikologo tšeo di šupetšwego ka go karolwana (1) go akaretšwa:

- (a) ditirelo tša phihlelelo-ntle tšeo di swanetšego go beakanyetšwa ditlabakelo tša go thwetha;
- (b) dikliniki;
- (c) mafelo a maphelo a bogolo bja kamogelo ya bodulo-kopano;
- (d) ditlabakelo tša maphelo, go akarešwa dipetlele, tša kamogelo le kalafo ya balwetši;
- (e) diofisi le diinstitušene tša taolo goba peakanyetšo ya ditirelo ya maphelo.

(4) Leloko le ka hlaola ditlabakelo tša maphelo tšeo di kgethilwego go šoma bjalo ka—

- (a) ditlabakelo tša maphelo tša tikologo;
- (b) ditlabakelo tša tšhupetša-maphelo tša selete;
- (c) ditlabakelo tša tšhupetša-maphelo tša profense;
- (d) ditlabakelo tša maphelo tša mošomo tše kgethegilego goba diinstitušene.

(5) Leloko le ka hloma le go hlokomela ka dinepo tša go thekga ditirelo tša tlhokomelo ya maphelo le ditlabakelo—

- (a) ampolese le ditirelo tša kalafo tša tšhoganetšo;
- (b) ditirelo tša dinamelwa;
- (c) bobolokelo bja bošomelo le bolokišetšo bja didirišwa le dikgerekgere tša opharešene ya othopetiki;

- (d) mabolokelo a mangwe a neelo le dihlare;
- (e) bohlatšwetšo;
- (f) dikholetše le dikolo tša booki goba diinstitušene tše dingwe tša tlhahlo ya batho ya ditirelo ka gare ga Kgoro;
- (g) ditirelo tša go fepa; le
- (h) tirelo efe le efe e nngwe goba institušene yeo e ka bago mohola go humana dinepo tša Molao wo.

(6) Setlabakelo sefe le sefe sa tirelo ya maphelo goba institušene ya mohuta woo o hlalošitšwego ka gare ga karolwana (2), (3) goba (4) gomme e hlomilwe ka gare ga Profense pele ga go thoma ga Molao wo, e tla tšewa go ba e hlomilwe go ya ka karolo ye.

Maatla-kakaretšo a Leloko la Lekgotla-Phethišo

3. Leloko ka poledišano le Leloko la Lekgotla-Phethišo la go ikarabela la Kgoro ya Mediro le tla—

(1) dira dipeakanyetšo tša madulo le boto ya badiredi setlabele sefe le sefe, institušene goba tirelo yeo e hlomilwego go ya ka karolo 2;

(2) hira, hiriša, humana, reka, hloma, aga goba ka mokgwa wo mongwe šomiša madulo goba ditirelo tše go ya ka fao go lego bohlokwa ka gona khumanong ya dinepokgolo le dinepo tša Kgaolo ye gomme le ka laela gore madulo afe le afe goba tirelo e tla ba seripa sa tirelo ya maphelo, setlabele goba institušene yeo e hlomilwego go ya ka karolo (2); goba

(3) Ka taolo ya tumelo ya Sešegotlotlo le dipeakanyetšo tša karolo 5, hiriša goba rekiša phahlo yeo e šuthišegago le ya go se šuthišege yeo e humanwego ke Taolo ka dinepo dife le dife tša Molao wo.

Taoloselegae le tshepedišo ya ditlabakelo, diinstitušene le ditirelo

4. Taolo-selegae le tshepedišo ya tirelo-maphelo e nngwe le ya tikologo le ya institušene e nngwe le e nngwe goba tirelo yeo e hlomilwego go ya ka karolo 2, di beilwe magetleng a motho yoo a beilwego ke Leloko bjalo ka molaodi wa yona, gomme motho yo mongwe le yo mongwe yoo—

(1) o tla ba le boikarabelo go Hlogo ya Kgoro go tšweletša taolo e botse le tshepedišo e botse ya tikologo goba ya tirelo ya maphelo goba setlabakelo seo se beilwego taolong ya gagwe. Maatla afe le afe, tokelo, mošomo goba modiro-tlamego woo o beilwego godimo ga magetla a motho yena yoo go ya ka dipeakanyetšo tša Molao wo goba melawana yeo e dirilwego ka fase, e swanetše go dirwa go ya ka taolelo ya ditaelo tše go fao Hlogo e ka fago ka gona tše di kwanago le dipeakanyetšo tša Molao wo goba melawana ye; gomme

(2) a ka no bewa maamong a botlalo goba a lebakanyana.

Kamogelo ya mafa, dimpho goba dingwadišo

5. (1) Leloko goba Hlogo ya Kgoro, ka taolelo ya tumelo ya Sešegotlotlo, le ka amogela phahlo efe le efe ka tsela ya lefa, mpho goba dingwadišo, e ka ba goba e ka se be phahlo ya go fiwa, abilwe goba ya go ngwadišwa ka gare ga trasete ka nepo efe le efe e itšego yeo e kgomagantšwego le setlabakelo sa ditirelo-maphelo tše di lego gona goba tša ka moso goba institušene goba tirelo yeo e hlomilwego goba e tlogo hlomiwa go ya ka Karolo 2 goba ka gare ga trasete godimo ga nepo efe le efe e nngwe yeo e bolelwa-go ka gare ga Molao wo.

(2) Fao—

- (a) thoto efe le efe e lego magetleng a Mmušo goba Taolo; goba
- (b) thoto efe le efe e amogetšwego ke Leloko goba boto; goba
- (c) thoto efe le efe e amogetšwego ke Leloko goba Hlogo ya Kgoro go ya ka karolwana (1);

gomme ka taolelo ya trasete efe le efe goba lefa le itšego, yona thoto yeo e tla šala ka taolelo ya trasete yeo goba lefa gomme ya šogiwa go ya ka maemo le mabaka a yona: Ge e le gore fao thoto yona yeo e tlogo go ba e lokologile go trasete yona yeo goba lefa, e ka šomišetšwa yona nepo yeo mabapi le ditirelo-maphelo tša Profense le ditlabakelo goba diinstitušene tše di hlomilwego go ya ka Karolo 2 tše trasete le lefa di diretšwego tšona.

(3) Phahlo efe le efe yeo e šupetšwego ka gare ga karolwana (2)(a)(b) goba (c) yeo e swanetšego go šomišwa setlabakelo sa maphelo se se itšego goba institušene e itšego goba tirelo yeo e hlomilwego go ya ha karolo 2 e ka, ntle le ge e ka dirišetšwa nepo e itšego goba nepo e itšego goba nepo go ya ka yona trasete yeo goba lefa, šomišwa ka mokgwa woo Leloko le ka kgonthišišago ka nepo ya go humana ditlabakelo tša sona setlabakelo sa maphelo seo, institušene goba tirelo goba ka nepo ye kgolo yeo e kopantšwego le sona setlabakelo seo sa maphele, tirelo ya institušene.

(4) Ka dinepo tša Karolo ye "nepokgolo" ke go re—

- (a) tlhomo, kago, khumano, katološo goba kaonafatšo ya moago ofe le ofe;
- (b) khumano ya naga goba ya tokelo efe le efe goba kgahlego go goba godimo ga naga;
- (c) go šoma mošomo ofe le ofe wa mohuta wa moomela mabapi le setlabakelo sa tirelo-maphelo sefe le sefe goba institušene goba tirelo yeo e hlomilwego go ya ka karolo 2; goba
- (d) tefelo-morago ya kadimo efe le efe yeo e diretšwego efe le efe ya dinepo tše di boletšwego ka gare ga temana (a), (b) goba (c) ka godimo.

Melawana

6. (1) Leloko le ka dira melawana godimo ga ditaba tše di latelago:
- (a) Ditaba ka moka tše di amago bookamedi, tlhokomelo, taolo goba melawana ya ditlabele tša maphelo diinstitušene goba ditirelo tše di hlomilwego go ya ka karolo 2;
 - (b) thibelo ya tshela-molao godimo ga meago efe le efe ka fase ga taolo ya Kgoro;
 - (c) kganetšo ya tšweletšo ya selo sefe le sefe sa go kgethega godimo ga meago efe le efe goba ka fase ga taolo ya Kgoro; le
 - (d) kakaretšo mabapi le taba efe le efe yeo e lego bohlokwa go humana dinepo tša Kgaolo ye.
- (2) Leloko le ka dira malawana e fapanago goba mabapi le ditirelo-maphelo tše fapanago, ditlabakelo goba diinstitušene tše di hlomilwego go ya ka karolo 2.

KGAOLO II**TŠHUTHIŠETŠO YA DITIRELO-MAPHELO LE DITLABAKELO GO MMUŠO-SELEGAE****Tšhuthišo ya ditirelo-maphelo le ditlabakelo**

7. (1) Leloko le ka dira melawana le go kgonthišiša ditsela le mabaka a go šuthišetša tirelo-maphelo goba setlabakelo go tšwa go Taolo go ya go e tee goba tše ntši tša mebušo-selegae.

(2) Leloko le ka re, ka kgopelo ya Taolo-Maphelo ya Tikologo yeo e bopilwego go ya ka karolo 2(1)(b), le ka kwano le Leloko la Khuduthamaga leo le ikarabelago mmušo-selegae ka tsebišo ka gare ga *Kuranta ya Profense*—

- (a) gafela taolo ya; goba
- (b) šuthišetša matlafatšo ya ditirelo tša sehlopha sa ditirelo-maphelo le ditlabakelo go e tee goba tše ntši tša mebušo-selegae yeo e amegago go tloga ka tšatšikgwedi yeo e bolelwago ka gare ga tsebišo.

(3) Leloko le ka re, ka poledišano le dihlopha tše di amegago, la fetiša goba la gomiša kgafelo yeo goba tšhuthišo yeo ge mmušo-selegae goba mebušo-selegae yeo e amegago e ka šitwa go ikamanya le dinyakwa tša karolo 7(1).

Ditlamorago tša tšhuthišetšo ya ditlabele tša ditirelo-maphelo go Mmušo-selegae

8. (1) Go tloga ka tšatšikgwedi yeo ka yona tirelo-maphelo goba setlabakelo se šuthišetšwago go mmušo-selegae ka fase ga karolo 7(2)(b)—

- (a) Direkhoto tša taolo le ditokumente tše dingwe tše di tswalanago le ditirelo le ditlabakelo tše dingwe tše Leloko le ka di kgonthišišago di tla šuthišetšwa go mmušo-selegae wona woo;

- (b) bookamedi, tlhokomelo, taolo le taolo-phethišo ya ditirelo le ditlabakelo di tla ba magetleng a Taolo-Maphelo ya Tikologo ka gare ga tikologo yeo e segilwego; gomme
- (c) tšhuthišo ya badiredi e tla sepedišwa go ya ka Molao wa Tirelo ya Setšhaba, 1994 (Kgoeletšo 103 ya 1994), le Molao wa Setswalle sa Bašomi, 1995 (Molao 66 wa 1995).

(2) Leloko le ka dira melawana yeo e amago sebopego le go šoma ga setho sa go laola.

Go fiwa ditšhelete ga ditlabakelo tša maphelo le ditirelo tše dingwe tše di šuthišeditšwego go mmušo-selegae

9. Leloko le ka, ditšheleteng tše di beetšwego ka thoko nepo yeo ke Lekgotla-Peamelao la Profense, thuša mebušo-selegae yeo e sepedišago ditirelo-maphelo go ya ka dikarolo 7(2)(a) goba (b).

KGAOLO III

DIBOTO TŠA SETLABAKELO SA DITIRELO TŠA MAPHELO

Tlhahlamollo ya diboto tša ditlabakelo tša ditirelo-maphelo

10. Boto ya Ditirelo le ditlabakelo tše di lego gona di bopilwego go ya ka molao ofe le ofe e a hlahlamollwa fa.

Go bopša ga Diboto

11. (1) Leloko le ka bopa tšona diboto tša ditlabakelo le ditirelo tše di bonwago di le bohlokwa gomme le ka fa boto yona yeo leina.

(2) Ge Leloko le bopa boto go ya ka karolwana (1), le tla—

- (a) kgonthišiša palo ya maloko a yona boto yeo; gomme
- (b) la laetša tikologo le/goba ditirelo le ditlabakelo tša maphelo tše boto e di hlametšwego.

(3) Leloko le ka—

- (a) hlahlamolla boto;
- (b) bopa diboto tša tlaleletšo;
- (c) oketša goba fokotša palo ya maloko a boto; goba
- (d) šuthišetša tirelo-maphelo goba setlabakelo go tloga go boto go ya go e nngwe.

Peo ya maloko a diboto

12. (1) Ka taolo ya dipeakanyetšo tša karolo 13, leloko lefe le lefe la boto le swanetše go bewa ke Leloko. Modulasetulo wa yona o tla kgethwa ka wona mokgwa woo Leloko le kago kgethela ka molawana: Ge e le gore ga go leloko la boto leo le lego makgone wa moomela godimo ga badiredi ba ditirelo-maphelo goba go ditlabakelo dife le dife tšeo boto yona yeo e hlametšwego tšona le tlogo go ba modulasetulo wa tšona.

(2) Mookamedi wa tikologo goba setlabakelo seo boto e se bopetšwego e tlo ba leloko la go tšwa ofising la boto.

Maswanedi a maloko a boto

13. Batho ba ba latelago ba amogilwe maswanedi a go bewa maloko a boto, goba go tšwela pele go ba maloko:

- (1) Motho ofe le ofe ka fase ga mengwaga e lesomeseswai;
- (2) motho ofe le ofe wa mogopolo wa go fokola yoo a begilwego bjalo ke kgoro ya go ba le maatla goba mohlankedi wa semolao;
- (3) motho ofe le ofe yoo e lego mošita-tsošološo;
- (4) motho ofe le ofe yoo a swaretšwego bosenyi gomme a kwebilwego kgolego ntle le kgetho ya tefišo ntle le ge a amogetše tebelelo ya mahala, goba ntle le ge kgolego yeo e fetile mengwaga e mehlano pele ga tšatšikgwedi ya peo;
- (5) motho ofe le ofe yoo a nago le kgahlego (e sego ya go ba leloko la khampani ya setšhaba e kopantšhitšwego) go kontraka efe le efe yeo e dirilwego legatong la tirelo goba setlabakelo sefe le sefe sa maphelo seo e lego leloko goba leloko la phišegelo la boto yeo e bopilwego gomme le šitwa go bega kgahlego yeo: Ge feela e le gore ga go selo ka mo gare ga temana se lego gona se tla tšewago go ba tlhoka-maswanedi fao kontraka e dumeletšwego gomme ya elwa hloko ke Leloko go ba e ratega ka kgahlego ya setšhaba fao yona kontraka yeo e lego mabapi le ditirelo tša makgone;
- (6) motho ofe le ofe yoo a swaretšwego go hloka botshepegi, goba yoo a begilwego go ba a sa lekanela go ka laola ditaba tša gagwe; goba
- (7) motho ofe le ofe yoo a tlošitšwego ofising ya trasete ke kgoro ya go ba le maatla.

Paka ya ofisi ya maloko a diboto

14. Maloko ka moka a diboto a tla swara ofisi paka ya mengwaga e meraro go tloga ka tšatšikgwedi ya peo ya bona: Ge e le gore maloko ao a beilwego ke Leloko lekgetlo la mathomo botong e mpsha, e bopilwego go ya ka dipeakanyetšo tša Molao wo, a tla swara ofisi ka fao go latelago:

- (a) Tee-tharong paka ya ngwaga o tee;
- (b) tee-tharong paka ya mengwaga e mebedi; le

(c) tee-tharong ya paka ya mengwaga e meraro:

Ge feela e le gore tabeng ya leloko leo le beilwego go tlatša sekgoba seo e sego sa ka mehla, yona peo yeo e tla ba ya paka yeo e sa fetego ya ofisi ya leloko leo sebakeng sa lona go dirilwego peo.

Ge ofisi ya leloko e bulega sekgoba

15. Ge leloko la boto le amogiwa maswanedi go ya ka Karolo 13; goba—

- (1) ge le hlokofoala; goba
- (2) le itokolla mošomong wa ofisi ya gagwe ka go ngwala; goba
- (3) le se gona dikopanong tše tharo tša ka mehla tša go latelana tša boto ntle le tumelelo ya boto,

ofisi ya gagwe e tla begwa gore e bulegile sekgoba ke modulasetulo wa boto yoo a tlogo iša taba go Leloko leo, ka taolo ya dipeakanyatšo tša dikarolo 12 le 13 le tlogo bea leloko go tlatša sekgoba sona seo.

Phedišo ya maloko a boto, le peo ya diboto tša lebakanyana, le peo ya batho go phethagatša goba go šomiša ditokelo, maatla, mediro-tlamego goba mošomo wa diboto

16. (1) Leloko le ka fediša paka ya ofisi ya leloko la boto go tloga ka tšatšikgwedi ye e laeditšwego—

- (a) ge boto e hlokomologa go swara kopano paka ya dikgwedi tše tshela; goba
- (b) ge le kgotsofala gore boto—
 - (i) e paletšwe goba e ganne go šoma mediro-tlamego goba mošomo ofe le ofe o beilwego godimo ga yona ke Molao wo goba melawana yeo e dirilwego ka mola fase; goba
 - (ii) e šitilwe goba e ganne ka fao go sa kwalego go šomiša tokelo efe le efe goba maatla ao a beilwego godimo ga yona ke Molao wo goba melawana yeo e dirilwego ka fao fase;
 - (iii) e dirile tiro ya go hloka molao goba ya bošaedi bjo bo šiišago kudu; goba
 - (iv) e dirile goba e phethagaditše ditokelo, maatla, goba mešomo ka mokgwa woo e sego wa maleba goba wo o lego kotsi go tirelo ya maphelo goba setlabele se e diretšwego sona; goba
- (c) Ge palo ya maloko ao a boto yona yeo e fokotšegile go ya palong yeo, ka mogopolong wa Leloko, e sego ya lekanela tshepedišo ye botse ya morero wa yona.

(2) Leloko le ka, ka morago ga go bega maikemišetšo le go dumelela boto sebaka sa go bea mabalankwe godimo ga yona, go bega go se be selo ga sephetho sefe le sefe seo se tšerwego ka kopanong ya boto efe le efe, yeo go ya ka mogopolo wa gagwe, e tšerwego ka tsela yeo e sego ya semolao goba ya bošaedi bjo bo šiišago goba e le phethagatšo ya go se swanele ya mešomo ya yona goba maatla ao a lego kotsi kgahlegong ya tirelo ya maphelo goba setlabakelo sa profense goba tikologo.

(3) Ge dipaka tša ofisi tša maloko ka moka a boto di fedišitšwe go ya ka karolwana (1) goba, ge go se maloko a boto, Leloko le ka—

- (a) be a maloko a boto yeo go ya ka dipeakanyetšo tša Kgaolo ye gomme ka yona nepo yeo, boto yeo e tla tšewa go ba boto e mpsha;
- (b) bea legatong la yona boto (ka morago ga fa e šupetšwago boto ya lebakanyana) ya paka yona yeo, e sego ya botelele bja go feta ngwaga o tee bjalo ka ge a kgonthišiša.

(4) Palo ya maloko a boto ya lebakanyana a ka se fete palo ya maloko ao a kgonthišeditšwego boto yeo legatong la yona boto yeo ya lebakanyana e beilwego.

(5) Dipeakanyetšo tša Molao wo le melawana yeo e dirilwego ka fase e amanago le diboto e tla šomišwa go diboto tša lebakanyana.

(6) Pele ga go fela ga paka ya ofisi ya boto ya lebakanyana, Leloko le tla bea maloko a boto yeo legatong la yona, yona boto yeo ya lebakanyana e beilwe gomme yona boto yeo e tla tšewa go ba boto e mpsha eupša maloko a yona a ka se thome go šoma ofising go fihlela letšatši leo le latelago go fela ga paka ya ofisi ya boto yeo ya lebakanyana.

(7) Leloko le ka bea motho goba batho yona paka yeo e sego go feta ngwaga o tee, go šomiša ditokelo, maatla, mediro-tlamego goba mešomo ya boto yeo ka lebaka lefe le lefe e ka se šomego go ya ka fao le ka kgonthišišago.

(8) Leloko le ka, pele ga go phethagatša tiro efe le efe kgahlanong le leloko lefe le lefe la boto—

- (a) sedimoša leloko ka ga mabarebare;
- (b) go fa leloko sebaka sa go araba; le
- (c) go fa mabaka ka botlalo a sephetho seo se tšerwego.

Ditokelo, maatla, mediro-tlamego le mešomo ya diboto

17. (1) Boto e ka—

- (a) dira ditigelo go Hlogo ya Kgoro, mookamedi wa tikologo goba mookamedi wa tirelo-maphelo goba setlabakelo, tšeo boto e di bopetšwego godimo ga ditaba tšeo di amago ditirelo-maphelo le godimo ga ditsela le mekgwa yeo ka yona taolo, melawana, tshepedišo le bookamedi bja ditirelo-maphelo di kago go kaonafatšwa.
- (b) ela hloko boswanedi le bokgoni bja bahlankedi godimo ga badiredi ba tirelo-maphelo efe le efe goba setlabakelo seo boto e se diretšwego gomme gwa dirwa ditigelo go Hlogo ya Kgoro mabapi le taba yeo;

(2) Boto e tla—

- (a) ka tswalano le ditirelo-maphelo le ditlabakelo tšeo e di diretšwego, tliša ditshwayatshwayo le go dira ditigelo go Hlogo ya Kgoro ka tsela ya mookamedi wa tikologo godimo ga ditaba, dipego, ditokumente goba ditigelo tšeo di rometšwego go yona gore di tsinkelwe le go tswalana le—
 - (i) ditekanyetšo tša ngwaga tša ditseno le ditshenyegelo;

- (ii) ditshenyegelo tša matlotlo a magolo;
 - (iii) ditatamente tša ditšhelete le dipego tša Mohlakiši wa Profense;
 - (iv) go hlolwa ga diposo tša tlaleletšo godimo ga badiredi ba tirelo ya maphelo le setlabakelo sona seo;
 - (v) kago, katološo le phetošo ya meago;
 - (vi) tlhokomelo ya meago le dikgerekgere;
 - (vii) go lekanyetšwa ga dikgerekgere meago le ditshepdišo;
 - (viii) tsenelo ya dikontraka;
 - (xi) melawana;
 - (x) pelaelo efe le efe ya balwetši, leloko la setšhaba, makgone ofe le ofe goba leloko la badiredi;
 - (xi) ekonomi le bokgoni; goba
 - (xii) ditiro tša kararetšo tša tirelo-maphelo goba setlabakelo;
- (b) gabotse go tee ka dikgwedi tše dingwe le tše dingwe tše tharo, go balwa go tloga ka letšatši le pele la ngwaga ofe le ofe, hlahloba tirelo-maphelo goba setlabakelo seo boto e se diretšwego gomme gwa begwa go Hlogo ya Kgoro godimo ga yona;
- (c) eletša mookamedi wa tikologo le mookamedi wa selegae wa tirelo-maphelo goba setlabakelo seo boto e se diretšwego goba Hlogo ya Kgoro godimo ga taba efe le efe yeo e tlišitšwego go yona ke mookamedi wa tikologo goba Hlogo ya Kgoro; gomme
- (d) la phethagatša mešomo e mengwe yona yeo le go šoma yona mediro-tlamego e mengwe yeo bjalo ka ge Leloko le ka kgonthišiša nako le nako.

Kopano ya diboto

18. (1) Boto e swanetše go swara kopano ya yona ya mathomo ka tšatšikgwedi yona yeo gomme ka yona nako yeo le lefelo leo bjalo ka ge Hlogo ya Kgoro e ka tšea sephetho.

(2) (a) Kopano ya ka mehla ya boto e tla swarwa ka yona tšatšikgwedi yeo le ka yona nako yeo le letšatši leo bjalo ka ge boto e ka tšea sephetho.

(b) Boto e tla swara dikopano tšeo di sego ka fase ga tše tshela ngwaga o mongwe le o mongwe wa ditšhelete.

(c) Motho yoo a hlaotšwego bjalo ka mongwaledi go boto ke Hlogo ya Kgoro, o tla swanelwa ke go fa tsebišo ya matšatši a šupago ka go ngwalwa ya kopano ya ka mehla ya boto. Yona tsebišo yeo e tla bolela tšatšikgwedi, nako le lefelo la kopano le ditaba tšeo di swanetšego go ahlaahlwa.

(3) (a) Godimo ga kgopelo ya go ngwalwa ya maloko a mabedi a boto, modulasetulo o swanetše go bitša kopano yeo e sego ya ka mehla ya boto.

(b) Dipeakanyetšo tša temana (2)(c) di tla šoma mabapi le kopano yeo e sego ya ka mehla: Ge feela e le gore ka kgopelo ya modulasetulo wa boto, taba yeo ke e nngwe ya tšhoganetšo, yena a ka laela gore paka ya tsebišo ya kopano e tla ba ka fase ga matšatši a šupago.

(4) Kopano ya boto goba komiti ya yona e tla bulelwa setšhaba, ntle le ge go ka dumelelwa ke Leloko ka mokgwa wo mongwe.

Modulasetulo o swanetše go laola dikopano

19. (1) Modulasetulo wa boto o tla laola kopano e nngwe le e nngwe ya yona.

(1) Ge Modulasetulo a se gona kopanong efe le efe ya boto, maloko ao a lego gona a tla re magareng a bona a kgetha modulasetulo yoo a swanetšego go swara kopano yeo. Leloko leo le kgethilwego bjalo le tla ba le ditokelo, maatla, mediro-tlamego le mešomo ya go ba modulasetulo wa boto.

Khoramo

20. Khoramo ya boto e tla hlamiwa ke o tee goba bontši bja go feta seripagare sa maloko. Ga go morero woo o ka phethagatšwago kopanong efe le efe ya boto ntle le ge khoramo e le gona.

Mokgwa wa go tšea sephetho sa dipotšišo pele ga boto

21. (1) Potšišo efe le efe pele ga boto e tšeelwa sephetho ke bontši bja dibouto tša maloko ao a lego gona.

(2) Modulasetulo wa boto o na le bouto ya maikemišetšo gomme tabeng ya ge dibouto di lekalekana o dira bouto ya makgaolakgang.

Dikomiti tša diboto

22. (1) Boto e ka, le ge go nyaka Leloko, bea nako le nako komiti e tee goba tše ntši mohlomongwe tša kakaretšo goba tše di kgethegilego goba ditirelo-maphelo goba setlabakelo seo se bonagalago. Boto e ka abela go komiti efe le efe ka goba ka ntle le mabaka ona ao bjalo ka ge e humana go swanetše, ditokelo, maatla, mediro-tlamego le mešomo yona yeo bjalo ka ge go ka kgonthišišwa nako le nako.

(2) Yona komiti yeo e hlamilwe ka bontši bja maloko bjalo ka ge boto e ka beakanya.

(3) Komiti efe le efe yona yeo e tla kgaotša ka morago ga ge e dirile modiro woo e tla bego e o kgethetšwe.

(4) Dipeakanyetšo tša karolo 20 le 21 di tla šomišwa mabapi le komiti e nngwe le nngwe.

(5) Komiti e nngwe le e nngwe e tla bega ditshepedišo tša yona go boto.

(6) (a) Komiti e nngwe le nngwe e kgetha modulasetulo wa yona gomme yena modulasetulo yoo o tla swara ofisi paka yeo e tlogo beakanywa ke komiti.

(b) Ge modulasetulo wa komiti a se gona kopanong efe le efe, maloko ao a lego gona a tla kgetha modulasetulo go swara kopano yona yeo. Leloko leo le kgethilwego bjalo le tla ba le ditokelo tša go swana, maatla, mediro-tlamego le mešomo ya go ba modulasetulo wa wa yona komiti yeo.

Metsotso ya dikopano

23. (1) Metsotso ya ditshepedišo tša kopano efe le efe ya boto goba ya komiti ya yona di tla lotwa. Leloko lefe le lefe la boto le tla fiwa khopi ya metsotso yeo.

(2) Metsotso ya ditshepedišo, yeo e tšeditšwego go ya ka karolwana (1), e tla re ka dinako tšohle tšeo di lebanego tša bulelwa go hlahlobja ke motho ofe le ofe yoo a matlafaditšwego ke Hlogo ya Kgoro. Khopi ya yona e tla išwa go Hlogo ya Kgoro ke motho yoo a hlaotšwego ke mongwaledi wa boto ke Hlogo ya Kgoro.

Ditefo le diputseletšo

24. Leloko le tla, ka kwano le Leloko la Lekgotla-Phethišo leo le rwelego boikarabelo bja maatloto le ditshenyegelo, la kgonthišiša ditefelo, diputseletšo le ditefelo tšeo di lefelwago maloko a boto.

Melawana

25. Leloko le ka dira melawana nako le nako—

- (1) le kgethela taolo, tshepedišo le peakanyo ya dikopano tša boto goba komiti ya yona;
- (2) le efa maatla le mediro-tlamego ya modulasetulo ofe le ofe goba moswarela-modulasetulo wa boto goba komiti;
- (3) le kgethela ka go tlaleletša ditokelo, mediro-tlamego le mešomo ya diboto gomme gwa bewa magetleng go ya ka dipeakanyetšo tša Molao wo ditokelo, maatla mediro-tlamego le mešomo ya diboto;
- (4) Le beakanyetša gore komiti ya boto e ka, le ge go le bjalo ka dipeakanyetšo tša karolo 17, se phethagatše goba go tšwetša pele tokelo, maatla, mediro-tlamego le mešomo yeo e beilwego godimo ga boto go ya ka dipeakanyetšo tša Molao wo goba molawana woo o dirilwego ka kua fase;
- (5) le kgonthišiša gore boto goba komiti e tla, ka kwano le Leloko la Lekgotla-Phethišo, kopantšhwa le boto efe le efe e nngwe goba komiti yeo e ka hlamiwago ka molao ofe le ofe o mongwe le go ala fase ga mabaka a mošomo wa sebedi wona woo; goba
- (6) ka kakaretšo mabapi le ditaba tšeo a di bonago di le mohola goba bohlokwa go humana dinepo tša Kgaolo ye.

KGAOLO IV

FORAMO-POLEDIŠANO YA MAPHELO

Tihamo ya Foramo-poledišano ya Maphelo

26. Leloko le hlama Foramo-poledišano ya Maphelo.

Popego ya Foramo

27. Boleloko bjaForamo bo tla akaretša—

- (1) Leloko leo le lego maamong a Modulasetulo;
- (2) Hlogo ya Kgoro;
- (3) Hlogo ya Lefapha ya go ikarabela ditirelo-maphelo;
- (4) Hlogo ya Lefapha ya go ikarabela matlotlo le taolo;
- (5) Modulasetulo wa Taolo-Maphelo ya Tikologo;
- (6) Kemedi ya mokgatlo wa profesene wa go tswalana le tša maphelo;
- (7) Kemedi e tee ya mokgatlo wa mošomi yo mongwe le mongwe yoo a amogelwago go Lekgotla-Therišano la Profense; gomme
- (8) Ka taolo ya tumelelo ya Speaker sa Lekgotla-Peamelao leloko le tee la Komiti-Kemo ya go ikarabela maphelo.

Maswanedi a maloko

28. Magato ka gare ga karolo 13 a tla šomišwa *mutatis mutandis*.

Paka ya ofisi ya maloko

29. Magato ka gare ga Karolo 14 a tla šomišwa *mutatis mutandis* mabapi le maloko ao a šupetšwago ka gare go karolo 27(6) le (7).

Dikopano

30. (1) Foramo e kopana gararo ka ngwaga.
- (2) Leloko le ka beakanyetša dikopano tša tlaleletšo ka gare ga melawana.
- (3) Dipeakanyetšo tša karolo 23(1) di tla šomišwa mabapi le metsotso.

Dikomiti

31. Leloko le ka bopa dikomiti tša Foramo gomme le ka laola taba efe le efe yeo e tswalanago le dikomiti.

Mešomo**32. Foramo e tla eletša Leloko—**

- (a) godimo ga tlhabollo ya melao ya maikemišetšo, le phethagatšo le tlhokomelo ya ditirelo;
- (b) godimo ga kgokagano ya molao wa maikemišetšo, le ditaba tšeo di tswalanago le maphelo; go setšhaba le
- (c) ditlhaolo tša Ditaolo-Maphelo tša Tikologo le diboto tše dingwe go Leloko; le
- (d) godimo ga taba efe le efe yeo a ka e išago go Foramo.

Melawana**33. Leloko le ka dira melawana—**

- (1) mabapi le ditaba tšeo a ka bonago di le mohola goba bohlokwa tša go humana dinepo tša Kgaolo ye;
- (2) go kgonthišiša gore Foramo goba komiti ya Foramo e ka, ka kwano le Leloko la go ikarabela la Lekgotla-Phethišo, kopanywa le Foramo efe le efe e nngwe goba komiti yeo e ka hlamiwago ka molao ofe le ofe wo mongwe.

KGAOLO V**KAMOGELO LE KALAFO YA BALWETŠI****Modiro-tlamego wa go amogela balwetši**

34. Ka taolo ya dipeakanyetšo tša karolo 37, molaodi yo mongwe le yo mongwe o swanetše go amogela kalafo go tirelo-maphelo efe le efe goba go setlabakelo sefe le sefe seo se lego ka fase ga taolo ya gagwe, ge go na le madulo ao a lekanetšego le go swanela, batho bao ba lwalago goba ka taolo malwetši afe le afe dikgobalo, goba maemo a kalafo ao tirelo-maphelo goba setlabele se diretšwego ona.

Pharologanyo ya balwetši

35. (1) Go ya ka taolo ya dipeakanyetšo tša karolwana 36 motho mang le mang o tla, ge kgopelo e direlwa kamogelo ya gagwe ka go tirelo-maphelo goba setlabakelo goba ka pele ka morago ga fao ge go kgonagala, hlophiwa ke molaodi goba mohlankedi ofe le ofe yoo a matlafaditšwego go ya ka melawana yeo e dirilwego go ya ka karolo 41.

(2) Ka dinepo tša karolwana (1) molaodi, goba mohlankedi yo mongwe yoo a matlafaditšwego, a ka kgopela tshedimošo yeo goba ditokumente tšeo bjalo ka ge go ka ba mohola, goba bjalo ka ge ka kgethelwa ka gare ga molawana ofe le ofe woo o dirilwego ka karolo 41. Ntle le fao, ka mogopolong wa molaodi goba yena mohlankedi yoo, kalafo e ka se šuthišwe ntle le kotsi goba ditlamorago tša motho yoo a šupeditšwego ka gare ga karolwana, ga go motho yoo a ka amogelwago bjalo ka molwetši ka gare ga

tirelo-maphelo goba setlabakelo goba a amogela kalafo ntle le ge tshedimošo yeo goba ditokumente tšeo di tlišitšwe ke, goba legatong la motho yoo goba ntle le ge, ka taolo ya dipeakanyetšo tša molawana ofe le ofe, molaodi, goba mohlankedi yo mongwe a kgotsofetše ka mokgwa wo mongwe go ya ka fao legoro leo yena motho yoo a welago ka go lona go ya ka karolwana (1).

(3) Motho ofe le ofe yoo, go ya ka dipeakanyetšo tša karolwana (2), ka go tseba goba ka boomo a išago tshedimošo goba tokumente ya bofora, go se loke goba go hlahlathiša, o tla ba le molato wa tshenyo gomme a tlamega sekwebong tefišo yeo dikgaolelo tša yona di bewago ke Ramatlotlo ka ngwaga gomme ya gatišwa ka gare ga *Kuranta ya Profense*, goba ge a phepa go lefela, kotlo ya paka ya go se fete dikgwedi tše tharo.

(4) (a) Motho ofe le ofe yoo a šupetšwago ka go karolwana (1) goba motho ofe le ofe yoo a šomago legatong la goba sebakeng sa gagwe, yoo a kwešitšwego bohloko go hlopheng go gongwe le go gongwe goba go poeletšo-tlhopho yeo e dirwago go ya ka karolwana (1) goba melawana yeo e dirwago go ya ka karolo 41, a ka ipiletša, go boto yeo e ikabelago go tirelo-maphelo goba setlabakelo seo se angwago kgahlanong le pharologantšho goba poeletšo-pharologantšho gomme sephetho sa boto yona yeo e tlo ba mafelelo.

(b) Ge boipiletšo go ya ka temana (a) bo amogelwa ke boto, motho yo mabapi le pharologantšho ya gagwe goba poeletšo-pharologantšho ya gagwe boipiletšo bjoo bo dirilwego, o tla pharologantšhwa gape go ya ka sephetho sa boto go thoma ka tšatšikgwedi yeo ka yona boipiletšo bjoo bo dirilwego ka yona: Feela ge e le gore ge motho ofe le ofe yoo a ipiletšago kgahlanong le poeletšo-pharologantšho go ya ka molawana ofe le ofe woo o dirwago go ya ka karolo 41(1)(d), gomme bjona boipiletšo bjoo bo amogetšwe, sephetho sa boto se tla šoma go tloga ka tšatšikgwedi ya pharologantšho ya pele ya yena motho yoo.

Magoro a itšego a batho a go ka pharologantšhwa bjalo ka balwetši ba praebete

36. (1) Motho ofe le ofe yoo a amogelago kalafo go tirelo-maphelo goba setlabele o tla hlophiwa go ba molwetši wa praebete—

- (a) ge a amogela kalafo yona yeo ka lebaka la kotsi goba kgobalo yeo mabapi le yona thušo-kalafo, bjalo ka ge go hlalošwa ka go karolo (2) ya Molao wa Tedišo ya Dikgobalo le Malwetši a Mešomo, 1941 (Molao 30 wa 1941) e, go ya ka Molao woo, lefelwa goba e kgonthišišwa go ba tahlegelo ya Mokomosasa wa Tedišo ya Bašomi goba mošomedi; goba
- (b) ge e le leloko la sesole la naga efe e efe e nngwe e sego Repabliki ya Afrika Borwa; goba
- (c) ge ka maatla a mošomo wa gagwe ka gare ga tirelo ya kgoro efe le efe ya Mmušo ka gare ga Repabliki ya mmušo ofe le ofe o šele goba go hlokomelwa ke motho ofe le ofe yo a hirilwego bjalo, a swanetšwe ke kalafo ka tshenyegelo ya kgoro goba mmušo wona woo; goba
- (d) ge e le wa legoro lefe le lefe le lengwe leo Leloko le, ka tsebišo ka gare ga *Kuranta ya Profense*, begilwego go ba le se na le maswanedi a kalafo ka tekanyo-tefo ya fase; goba

- (e) ga e le leloko la (mofepiwa) sekimi-kalafo sefe le sefe goba sekhwama sa kholo seo se ngwadišitšwego go ya ka molao ofe le ofe; goba
- (f) ge a gola go feta mogolo woo o swanetšego go kgonthišišwa nako le nako ke Leloko gomme ya gatišwa ka gare ka *Kuranta ya Profense*, goba le mofepiwa wa yena motho yoo.

(2) Ka dinepo tša temana (c) ya karolwana (1) tlhalošo "kgoro ya Mmušo" e tla akaretša Sephodisa, bjalo ka ge go hlalošitšwego ka gare ga Karolo 1 ya Molao wa Maphodisa, 1958 (Molao 7 wa 1958), le Tirelo-Dikgolego ya go hlongwa ka karolo 2 ya Molao wa Dikgolego, 1959 (Molao 8 wa 1959).

Tshepedišo ya kamogelo ya balwetši

37. Batho ka moka ba tla amogelwa ka gare ga tirelo-maphelo goba setlabakelo go ya ka tšhoganetšo ya nyakego ya bona ya kalafo bjalo ka ge go kgonthišišwa ke mohlankedi wa kalafo yoo a lego mošomong goba mohlankedi yo mongwe yoo bjalo ka ge a ka matlafatšwa go šoma legatong la gagwe ka yona tshepedišo yeo bjalo ka ge yena mohlankedi yoo wa kalafo goba mohlankedi yo mongwe a ka laela.

Kalafo ya balwetši

38. (1) Motho ofe le ofe o tla alafiwa ka gare ga tirelo-maphelo goba setlabakelo ke ngaka goba makgone yo mongwe le yo mongwe yoo a lego modirong gomme a le ka gare ga tirelo ya maphelo goba setlabakelo seo se amego: Ge feela e le gore—

- (a) fao yena molwetši yoo o gobetše kotsing yeo e hlotšwego ke goba e hlagile ka lebaka la go otlela koloi bjalo ka ge go bolelwa ka gare ga Molao wa Sekhwama sa Dikotsi tša Tseleng, 1996 (Molao wa 56 wa 1996); goba
- (b) fao molwetši yoo e lego leloko goba mofepiwa yoo a ngwadišitšwego go Thušo-Kalafo; goba
- (c) fao yena molwetši yoo a lefelago ditshenyegelo ka botlalo ka tlhokomelo ya gagwe, a kago alafiwa ke ngaka ya praebete ge a ka kgopela bjalo.

(2) Taleo e ka se be le tlamego ya go lefela ditšhelete goba ditefišo tšeo di kolotwago ke molwetši ngakeng yeo ya praebete yoo a matlafaditšwego go ya ka Karolo 40 go ka šomiša ditlabakelo tša Mmušo.

Kalafo ya molwetši wa praebete goba wa go lefela ka botlalo bjalo ka molwetši wa ka ntle

39. Ditšhelete tšeo di kgethegilego go ya ka karolo 41(1)(f) di tla lefelwa godimo ga kalafo ya motho yoo a lego ka gare ga tirelo-maphelo goba setlabakelo e ka ba molwetši wa ka gare goba molwetši wa ka ntle: Ge feela e le gore Leloko le ka lokolla motho ofe le ofe ka botlalo goba seripa goba legoro lefe le lefe goba sehlopha sa batho tefelong ya ditšhelete tšeo.

Kalafo ya balwetši ba praebete ke makgone wa praebete ka gare ga tirelo-maphelo le ditlabakelo

40. (1) Makgone wa praebete a ka kgopela ka go ngwala go molaodi tumelelo ya go alafa balwetši ba gagwe ba praebete ka gare ga tirelo-maphelo goba setlabakelo gomme yena makgone yoo a ka se alafe molwetši ofe le ofe ka fao gare go fihlela ge go fiwa tumelelo: Ge e le gore yona tumelelo yeo e ka se fiwe ntle le ge yena makgone yoo a itlamile ka go ngwala—

- (a) go itswalanya le melao le melawana yeo e šomišwago go tirelo—maphelo goba setlabakelo; le
- (b) go fa tirelo ya motšwaoeja ka gare ga tirelo-maphelo goba bjalo ka ge Hlogo ya Kgoro e ka kgonthišiša moputso bjalo ka ge Khomišene ya Tirelo-Setšhaba e ka kgonthišiša.

(2) Hlogo ya Kgoro e ka bea mabaka gore yona tumelelo yeo e tla šomišwa feela mabapi le seripa seo se laeditšwego sa ditirelo-maphelo goba ditlabakelo tšeo di diretšwego kgopelo.

(3) Makgone wa praebete a ka dira boipiletšo go Leloko kgahlanong le kgano ya Hlogo ya Kgoro go ya ka karolwana (1) goba kgahlanong le peo ya mabaka go ya ka karolwana (2). Leloko le tla fa sephetho ka morago ga go kwa dikemelo dife le dife go tšwa go diphathi.

(4) Tumelelo efe le efe yeo e filwego go ya ka karolwana (1) goba (3) le mabaka afe le afe ao a beilwego go ya ka dikarolwana (2) goba (3), a ka gomišwa, fetošwa goba go fetolwa ke Leloko ka go rata ga gagwe.

(5) Fao Hlogo ya Kgoro e elago hloko gore Leloko le swanetše go šomiša a mangwe a maatla a gagwe ao a šupetšwago ka go karolwana (4), a ka fega mafateng tumelelo yeo e filwego go ya ka dikarolwana (1) goba (3), go emetšwe sephetho sa Leloko go ya ka karolwana (4) yeo e bolelwago gomme kgabagareng yeo le tla eletša makgone wa praebete yoo a amegago ka fao go lebanego.

(6) Ge tumelelo e gannwe goba ge lebaka le beilwe go ya ka karolwana (1) (2) goba (3), ka fao go ka bago ka gona, goba ge tumelelo goba lebaka le gomišitšwe, fetošitšwe goba le fetotšwe go ya ka karolwana (4), makgone wa praebete yoo a amegago a ka kgopela gape go ya ka karolwana (1) ka morago ga go feta ga paka ya dikgwedi tše tshela go tloga ka tšatšikgwedi ya ge tumelelo yeo e šomišitšwe, fetošitšwe goba e fetotšwe gomme dipeakanyetšo tša Karolo ye di tla šomišwa ka diphetogo tše nyakegago go kgopelo e mpsha yeo.

Melawana

41. (1) Leloko le ka hlama melawana godimo ga ditaba dife le dife tše di latelago:

- (a) Kamogelo ya kalafo, tlhokomelo goba go ntšhiwa ga balwetši;
- (b) go kgethela mokgwa woo ka wona tlhopho go ya ka karolo 35(1) e tlogo dirwa le ditheo le diteko tšeo di swanetšego go dirišwa mabapi le tšona tšeo. Ditheo tše di fapafapanago le diteko di ka dirišwa mabapi le balwetši ba ka gare le balwetši ba ka ntle;

- (c) go beakanyetša poeletšo-pharologantšho ya molwetši ofe le ofe legatong lefe le lefe la kalafo ya gagwe go tloga ka tšatšikgwedi ya kgopelo ya poeletšo-pharologantšho yeo;
- (d) go beakanyetša, go ya ka dipeakanyetšo tša Karolo 35(4)(b) go lokiša pharologantšho efe le efe ya phošo yeo e dirilwego. Phošollo efe le efe yeo e tla šoma go thoma ka tšatšikgwedi ya yona pharologantšho yeo e fošagetšego;
- (e) go dira boipiletšo go gongwe le go gongwe go ya ka karolo 36(4), kelohloko ya boipiletšo bjoo, tshepedišo yeo e swanetšego go latelwa le go beakanyetša taba efe le efe yeo e amanago le boipiletšo bjoo go akaretša pharologantšho yeo ya lebakanyana ya motho ofe le ofe yoo mabapi le yena boipiletšo bjoo bo dirilwego, go letetšwe kelohloko ya yona;
- (f) go kgethela ditšhelete go kalafo ya motho ka gare ga tirelo-maphelo goba setlabele e ka ba molwetši wa ka gare goba molwetši wa ka ntle;
- (g) tlhokomelo ya tshepedišo, tayo, bothakga le tlhweko ka gare ga balwetši ba tirelo-maphelo efe le efe goba setlabakelo;
- (h) kgethela mediro le ditokelo tša bomakgone ba praebete le mabaka ao bona bomakgone bao ba ka kgonago go šetša goba go fihlelela balwetši bao ka gare ga ditirelo-maphelo goba ditlabakelo, goba go fihlelela direkhoto tša melato le dipelo tša nyakišišo ya go tswalana le molwetši yoo ka nako ya kamogelo ya gagwe go tirelo-maphelo ya profense goba setlabakelo se bego e le molwetši wa makgone yoo; le
- (i) ka kakaretšo mabapi le ditaba ka moka tšeo a di elago hloko go ba tše bohlokwa go humana dinepo tša Kgaolo ye.

(2) Go hlameng ga melawana go ya ka temana (a), (f), (g), (h) goba (i) Leloko le ka dira melawana e fapanago mabapi le ditirelo-maphelo dife le dife goba ditlabakelo.

KGAOLO VI

BADIREDI

Ditšhutišo, ditlhatlošo le ditlatšo tša lebakanyana

42. (1) Motho ofe le ofe yoo a lego tirelong ya Kgoro a ka no šuthišetswa goba go hlatlošetšwa go yona poso yeo bjalo ka ge Leloko le ka beakanya: Ge feela e le gore mohlankedi a ka se šuthišwe go tloga go poso e nngwe go ya go e nngwe ge yona tšhuthišo yeo e akaretša phokotšo ya ditefelo tša gagwe tšeo di ntšhiwago go diphenšene bjalo ka ge di hlalošwa ke melawana yeo e dirilwego go ya ka dipeakanyetšo tša Molao wa Ditirelo tša Diphenšene tša Mmušo, 1973 (Molao 57 wa 1973), ntle le ge tšhuthišo yeo e direga ka kgopelo le ka kwano ya mohlankedi.

(2) Ka tumelelo ya hlogo ya Kgoro, le ka morago ga poledišano le motho yoo a amegago, motho yoo a lego ka gare ga tirelo ya Kgoro a ka tlatša lebakanyana go tšwa go tirelo-maphelo goba setlabakelo sefe le sefe seo se hlomilwego go ya ka karolo 2 go ya go tirelo-maphelo efe le efe goba setlabakelo se sengwe le se sengwe goba go karolo ya taolo-kakaretšo ya Kgoro, e ka ba ya paka yeo e laeditšwego ya nako goba ya tirelo ye itšego.

(3) Hlogo ya Kgoro e ka kgopela ofisi efe le efe go šoma lebakanyana mediro yeo e sego ya fiwa feela yena mohlankedi yoo goba go abela legato leo tlaalo ya poso yeo ge feela e le gore mohlankedi yoo o na le maswanedi a go dira mediro yeo.

Khopi ya ditshepedišo tša maitshwaro-mabe ya go išwa go boto ya profesenale goba lekgotla leo mohlankedi a ingwadišitšego le lona

43. Ge mohlankedi ofe le ofe a nyakega go ka ingwadiša bjalo ka makgone a humanwe molato wa maitshwaro-mabe go ya ka Karolo 23 ya Molao wa Tirelo-Setšhaba, 1994 (Molao-Kgoeletšwa 103 wa 1994), khopi yeo e matlafaditšwego ya tšona dikhumano tšeo e tla išwa go Boto goba Lekgotla leo mohlankedi a ingwadišitšego le lona.

Peo ya mohlankedi-mohlomphiwa goba mošomedi yo a ikgethelago

44. (1) Hlogo ya Kgoro e ka, mabapi le setlabakelo sa tirelo-maphelo goba institušene yeo e hlamilwego go ya ka karolo 2, bea bahlankedi-bahlomphiwa ge a humana go le bohlokwa.

(2) Kgaolo ye e ka se šome go mohlankedi-mohlomphiwa goba mošomedi yo a ikgethelago a beilwego go ya ka karolwana (1), empa Hlogo ya Kgoro e ka kgonthišiša mabaka a mošomo a mohlankedi yena yoo goba mošomedi gomme o tla eletša yena mohlankedi yoo goba mošomedi ka fao go lebanego.

KGAOLO VII

DITIKOLOGO-THUTIŠO TŠA TLHOKOMELA-MAPHELO

Lekgotla la ditirelo-maphelo le ditlabakelo le diyunibesiti, ditheknikone le dikholetše tša dinepo tša go ruta

45. (1) Leloko le ka dumelela gore tirelo-maphelo (ka mo gare ga Kgaolo ye e šupetšwa go ba Tikologo-Thutišo ya Tlhokomela-Maphelo) e ka tswalana le yunibesiti, theknikone, goba kholetše yeo e nago le lefapha la dihlare, thuta-meno goba dithutamahlale tša maphelo, ka dinepo tša mešomo ya akademi gona fao go Tikologo-Thutišo ya Tlhokomela-Maphelo go baithuti ka gare ga lefapha leo.

(2) Ka dinepo tša Kgaolo ye mantšu a "dihlare" le "ditirelo-kalafo" a tla akaretša "ditirelo-maphelo" le "ditirelo-booki" ka go latelana.

(3) Leloko le ka tsenela kwano le yunibesiti, theknikone goba kholetše fao dipeo tša mohlakanelwa di lebeletšwego.

Dipeo tša borutiši go ditlabakelo tša ditirelo-maphelo

46. (1) Ka taolo ya dipeakanyetšo tša Kgaolo ye, Leloko le ka bea ka go poso yeo e dumeletšwego godimo ga sebopego-tlhamo sa tirelo-maphelo goba setlabakelo e le seo yena, ka poledišano le yunibesiti yeo e amegago, hlaola poso yeo ya borutiši, gomme yona poso yeo e tla bitšwa peo-tlhakanelwa.

(2) Ga go motho yoo a tlogo go bewa go ya ka karolwana (1) ntle le ge Leloko la yunibesiti, theknikone, goba kholetše di kwane ka ga—

- (i) motho yoo a swanetšego go bewa;
- (ii) moputso le putseletšo yeo e swanetšego go lefelwa motho yoo;
- (iii) kabelo ya ditšhelete ya yunibesiti mabapi le moputso woo le putseletšo yeo; le
- (iv) mabaka a peo le tirelo ya motho yoo.

(b) Ge Leloko le yunibesiti, theknikone goba kholetše yeo e amegago di sa kwane bjalo ka ge go bolelwa ka gare ga temana (a), Loloko le ka beakanya poso yeo e amegago gore e se ke ya ba poso ya mohlakanelwa.

(3) Motho ofe le ofe yoo a beilwego go ya ka karolwana (1), o tla—

- (a) fa ditaelo go tirelo-maphelo goba setlabakelo seo go sona a beilwego bjalo kua yunibesiti, theknikone goba kholetše yeo e amanago le baithuti ka gare ga lefapha la dihlare, thuta-meno goba thutamahlale ya maphelo go tlaleletša neelo ya tirelo go setšhaba;
- (b) šoma ka maemo a boeletši-kakaretšo le therišano mabapi le ditirelo tša profesenale tšeo di abiwago ke yona tirelo-maphelo yeo goba setlabakelo goba ke tirelo-maphelo efe le efe e nngwe setlabakelo goba institušene yeo e hlamilwego go ya ka karolo 2; gomme
- (c) dira mešomo e mengwe yeo bjalo ka ge go ka kwanwa gare ga Leloko le yunibesiti, theknikone goba kholetše ka nako ya peo yeo goba ka morago ga fao.

Dipeo tša borutiši godimo ga kontraka

47. Leloko le ka, ka morago ga kwano le yunibesiti, theknikone goba kholetše yeo e amegago, dira peo ya borutiši bjalo ka ge go bolelwa ka gare ga karolo 46 (1) godimo ga kontraka ya paka yona yeo le ka taolo ya ona mabaka ao a peo le tirelo bjalo ka ge go ka kwanelwa.

Phihlelelo ya ditlabele tša ditirelo-maphelo tša badiredi ba yunibesiti bao ba sa swarago dipeo tša mohlakanelwa

48. (1) Yunibesiti, theknikone goba kholetše e ka re nako efe le efe ya dira kgopelo go Leloko ya tumelelo ya motho godimo ga badiredi ba yona yunibesiti, kholetše goba theknikone yeo gomme di se na peo ya mohlakanelwa go ya ka karolo 46(1) goba go ya ka karolo 47 e filwe phihlelelo go tirelo-maphelo goba setlabakelo sa profense ka nepo ya go ruta le go fa tlhahlo go baithuti ka gare ga lefapha la dihlare, thuta-meno goba lefapha le lengwe gona fao yunibesiti, theknikone goba kholetše: Ge e le gore di ka beelela mabaka bjalo ka ge di humana go swanetše, go akaretšwa lebaka la gore yona tumelelo yeo e tla šomišwa feela mabapi le seripa sa go bonagala sa ditirelo-maphelo tša profense tšeo mabapi le tšona go dirilwego kgopelo.

(2) Tumelelo efe le efe yeo e filwego goba lebaka leo le beilwego go ya ka karolwana (1) le ka gomišwa goba go fetošwa goba go fetolwa ke Leloko.

(3) Yunibesiti, theknikone goba kholetše yeo e šupeditšwego ka gare ga karolwana (1) e ka re nako le nako—

(a) ya mpshafatša kgopelo ya tumelelo yeo e gannwego go ya ka karolwana (1) goba ya gomišwa go ya ka karolwana (2); goba

(b) ya kgopela go tlošwa goba go fetolwa ga lebaka lefe le lefe leo le beeletšwego go ya ka karolwana (1) goba (2) go ya ka fao go lego ka gona.

Kgano ya phihlelelo ya baithuti go yunibesiti, theknikone goba kholetše

49. Leloko le ka gana moithuti ka lefapheng la dihlare, thuta-meno goba lefapha le lengwe kua yunibesiting, theknikone goba kholetšeng, phihlelelo go tirelo-maphelo goba setlabele goba seripa sa yona bjalo ka kgato ya kgalemelo, goba ya dumelela phihlelelo ka taolo ya ona mabaka ao bjalo ka ge a humana go swanetše. Moithuti yoo a otlwago ka mokgwa wo a ka ipelaetša go Leloko leo le kago swara, gomiša, fetola goba go fetoša sephetho sa gagwe.

Melawana

50. Leloko le ka, ka morago ga poledišano le yunibesiti, theknikone goba kholetše yeo e amegago, dire melawana mabapi le ditaba ka moka tše le di tšeago go ba di le bohlokwa go humana dinepo tša Kgaolo ye.

KGAOLO VIII

DITLABAKELO TŠA DITIRELO-MAPHELO

Ditlabakelo tša maphelo tša praebete le dithušo

51. (1) Go tloga ka tšatšikgwedi yeo e tlogo go bewa ke Leloko ka tsebišo ka gare ga *Kuranta ya Profense*, ga go setlabele sa maphelo sa praebete seo se tlogo go hlongwa, katološwa, sepedišwa goba go hlokomelwa ntle le ge se ingwadišitše go ya ka yona melawana yeo bjalo ka ge Leloko le ka e hlama. Ka gare ga yona melawana efe le efe yeo go ka dirwa peakanyetšo ya ona mabaka ao ka go ona ngwadišo e kago go gomišwa.

(2) Motho ofe le ofe yoo a hlamago, katološago, sepedišago goba hlokomelago, goba a thušago go hlama, katološa, sepediša, goba go hlokomela setlabakelo sa maphelo sa praebete ka go tshelamolao ya dipeakanyetšo tša karolwana (1), o tla ba le molato wa tshenyo gomme a tlamega godimo ga sekwebo kotlo ya kgoboko ya tšhelete yeo e tlogo go gatišwa ka gare ga *Kuranta ya Profense*, goba ge a šitwa ke go lefela, go kgolego ya go se fete dikgwedi tše 12 goba bobedi tefišo le kgolego.

(3) Leloko le ka re godimo ga ona mabaka ao bjalo ka ge go humanwa a swanetše a se akaretše tirelo-maphelo goba setlabakelo seo ka go dipeakanyetšo tša karolwana (1).

(4) Leloko le ka, go tšwa ka go ditšhelete tšeo di lekanyeditšwego nepo ke Lekgotla-Peamelao la Profense, fa thušo ya tšhelete go dikgoboko tšona tšeo bjalo ka ge go le bohlokwa go tirelo-maphelo ya praebete goba setlabakelo seo se fago tirelo go balwetši bao e sego ba praebete.

(5) Leloko le ka, ka go dira thušo ya tšhelete go ya ka karolwana (4), tiganetša mabaka ona ao gomme la ala dinyakwa tšeo bjalo ka ge go bonala go le bohlokwa, go akaretša nyakego gore kemedi ya Leloko e beiwe ka go boto ya taolo goba setho sa tirelo-maphelo ya praebete goba setlabele seo se amegago.

(6) (a) Mohlakiši wa Profense goba motho ofe le ofe yoo a matlafaditšwego o tla hlahloba dipuku, diakhaonte goba direkhoto tša tirelo-maphelo ya praebete yeo e amogelago thušo ya tšhelete yeo e bolelwago ka gare ga karolwana (4).

(b) Yona tirelo-maphelo yeo goba setlabakelo seo se tla tiišetša gore dipuku ka moka, ditatamente tša diakhaonte, dibaotšhara le ditokumente tše dingwe le dipampiri bjalo ka ge go ka nyakega nakong ya tlhakišo, di alwe pele ga Mohlakiši wa Profense goba motho yoo a matlafaditšwego go ya ka temana (a).

(c) Mohlakiši wa Profense o tla isa go Taolo pego ka go ngwalwa gomme o tla hlatsela ngwageng o mongwe le o mongwe ge eba go goba go se—

- (i) mabapi le dibuka le direkhoto tša tirelo-maphelo setlabele di lotilwe;
- (ii) lenaneo-tekanyetšo la ngwaga le setatamente sa diakhaonte tša yona tirelo-maphelo yeo goba setlabakelo le tša dipoelo tša ditšhelete tša yeo e amegago;
- (iii) dipeakanyetšo tša Kgaolo ye di etšwe hloko; gomme
- (iv) dinyakwa ka moka le ditigelo di etšwe hloko.

(7) Boto ya taolo ya tirelo-maphelo efe le efe ya praebete goba setlabakelo seo se amogelago thušo ya tšhelete yeo e bolelwago ka go karolwana (4), e tla re magareng a dikgwedi tše tharo ka morago ga go tswalelwa ga ngwaga wa tšona wa ditšhelete, ya iša go Leloko pego godimo ga modiro wa tirelo-maphelo goba setlabakelo seo pakeng ya ngwaga wa ditšhelete.

(8) Kgoboko ya thušo ya ditšhelete yeo e šupetšwago ka go karolwana (4), e ka se beakanywe la mafelelo ntle le ge Mohlakiši wa Profense a tlišitše pego yeo e šupetšwago ka go karolwana (6) (c): Ge feela e le gore, go letetšwe peakanyo yeo ya mafelelo ya thušo ya ditšhelete, Leloko le ka, go ya ka taolo ya dipeakanyetšo tša karolwana (11), dira thušo ya lebakanyana go tirelo-maphelo goba setlabakelo seo se amegago ka gare ga kgoboko yeo bjalo ka ge a ka kgonthişiša.

(9) Ge—

- (a) setlabakelo sa tirelo-maphelo seo se amogelago thušo yeo e bolelwago ka go karolwana (4), e šitilwe ke go itswalanya le boemo bjoo bo apešitšwego goba nyakego yeo e adilwego, go ya ka karolwana (5);
- (b) thušo ya tšhelete ya tirelo e kgolo e se ya dirišetšwa tirelo yeo gare ga paka yeo e lebanego bjalo ka ge go beakantšwe ke leloko; goba

(2) Tumelelo efe le efe yeo e filwego goba lebaka leo le beilwego go ya ka karolwana (1) le ka gomišwa goba go fetošwa goba go fetolwa ke Leloko.

(3) Yunibesiti, theknikone goba kholetše yeo e šupeditšwego ka gare ga karolwana (1) e ka re nako le nako—

(a) ya mpshafatša kgopelo ya tumelelo yeo e gannwego go ya ka karolwana (1) goba ya gomišwa go ya ka karolwana (2); goba

(b) ya kgopela go tlošwa goba go fetolwa ga lebaka lefe le lefe leo le beeletšwego go ya ka karolwana (1) goba (2) go ya ka fao go lego ka gona.

Kgano ya phihlelelo ya baithuti go yunibesiti, theknikone goba kholetše

49. Leloko le ka gana moithuti ka lefapheng la dihlare, thuta-meno goba lefapha le lengwe kua yunibesiting, theknikone goba kholetšeng, phihlelelo go tirelo-maphelo goba setlabele goba seripa sa yona bjalo ka kgato ya kgalemelo, goba ya dumelela phihlelelo ka taolo ya ona mabaka ao bjalo ka ge a humana go swanetše. Moithuti yoo a otlwago ka mokgwa wo a ka ipelaetša go Leloko leo le kago swara, gomiša, fetola goba go fetoša sephetho sa gagwe.

Melawana

50. Leloko le ka, ka morago ga poledišano le yunibesiti, theknikone goba kholetše yeo e amegago, dire melawana mabapi le ditaba ka moka tšeo le di tšeago go ba di le bohlokwa go humana dinepo tša Kgaolo ye.

KGAOLO VIII

DITLABAKELO TŠA DITIRELO-MAPHELO

Ditlabakelo tša maphelo tša praebete le dithušo

51. (1) Go tloga ka tšatšikgwedi yeo e tlogo go bewa ke Leloko ka tsebišo ka gare ga *Kuranta ya Profense*, ga go setlabele sa maphelo sa praebete seo se tlogo go hlongwa, katološwa, sepedišwa goba go hlokomelwa ntle le ge se ingwadišitše go ya ka yona melawana yeo bjalo ka ge Leloko le ka e hlama. Ka gare ga yona melawana efe le efe yeo go ka dirwa peakanyetšo ya ona mabaka ao ka go ona ngwadišo e kago go gomišwa.

(2) Motho ofe le ofe yoo a hlama, katološago, sepedišago goba hlokomelago, goba a thušago go hlama, katološa, sepediša, goba go hlokomela setlabakelo sa maphelo sa praebete ka go tshelamolao ya dipeakanyetšo tša karolwana (1), o tla ba le molato wa tshenyo gomme a tlamega godimo ga sekwebo kotlo ya kgoboko ya tšhelete yeo e tlogo go gatišwa ka gare ga *Kuranta ya Profense*, goba ge a šitwa ke go lefela, go kgolego ya go se fete dikgwedi tše 12 goba bobedi tefišo le kgolego.

(3) Leloko le ka re godimo ga ona mabaka ao bjalo ka ge go humanwa a swanetše a se akaretše tirelo-maphelo goba setlabakelo seo ka go dipeakanyetšo tša karolwana (1).

(4) Leloko le ka, go tšwa ka go ditšhelete tšeo di lekanyeditšwego nepo ke Lekgotla-Peamelao la Profense, fa thušo ya tšhelete go dikgoboko tšona tšeo bjalo ka ge go le bohlokwa go tirelo-maphelo ya praebete goba setlabakelo seo se fago tirelo go balwetši bao e sego ba praebete.

(5) Leloko le ka, ka go dira thušo ya tšhelete go ya ka karolwana (4), tiganetša mabaka ona ao gomme la ala dinyakwa tšeo bjalo ka ge go bonala go le bohlokwa, go akaretša nyakego gore kemedi ya Leloko e beiwe ka go boto ya taolo goba setho sa tirelo-maphelo ya praebete goba setlabele seo se amegago.

(6) (a) Mohlakiši wa Profense goba motho ofe le ofe yoo a matlafaditšwego o tla hlahloba dipuku, diakhaonte goba direkhoto tša tirelo-maphelo ya praebete yeo e amogelago thušo ya tšhelete yeo e bolelwago ka gare ga karolwana (4).

(b) Yona tirelo-maphelo yeo goba setlabakelo seo se tla tiišetša gore dipuku ka moka, ditatamente tša diakhaonte, dibaotšhara le ditokumente tše dingwe le dipampiri bjalo ka ge go ka nyakega nakong ya tlhakišo, di alwe pele ga Mohlakiši wa Profense goba motho yoo a matlafaditšwego go ya ka temana (a).

(c) Mohlakiši wa Profense o tla isa go Taolo pegu ka go ngwalwa gomme o tla hlatsela ngwageng o mongwe le o mongwe ge eba go goba go se—

- (i) mabapi le dibuka le direkhoto tša tirelo-maphelo setlabele di lotilwe;
- (ii) lenaneo-tekanyetšo la ngwaga le setatamente sa diakhaonte tša yona tirelo-maphelo yeo goba setlabakelo le tša dipelo tša ditšhelete tša yeo e amegago;
- (iii) dipeakanyetšo tša Kgaolo ye di etšwe hloko; gomme
- (iv) dinyakwa ka moka le ditigelo di etšwe hloko.

(7) Boto ya taolo ya tirelo-maphelo efe le efe ya praebete goba setlabakelo seo se amogelago thušo ya tšhelete yeo e bolelwago ka go karolwana (4), e tla re magareng a dikgwedi tše tharo ka morago ga go tswalelwa ga ngwaga wa tšona wa ditšhelete, ya iša go Leloko pegu godimo ga modiro wa tirelo-maphelo goba setlabakelo seo pakeng ya ngwaga wa ditšhelete.

(8) Kgoboko ya thušo ya ditšhelete yeo e šupetšwago ka go karolwana (4), e ka se beakanywe la mafelelo ntle le ge Mohlakiši wa Profense a tlišitše pegu yeo e šupetšwago ka go karolwana (6) (c): Ge feela e le gore, go letetšwe peakanyo yeo ya mafelelo ya thušo ya ditšhelete, Leloko le ka, go ya ka taolo ya dipeakanyetšo tša karolwana (11), dira thušo ya lebakanyana go tirelo-maphelo goba setlabakelo seo se amegago ka gare ga kgoboko yeo bjalo ka ge a ka kgonthišiša.

(9) Ge—

- (a) setlabakelo sa tirelo-maphelo seo se amogelago thušo yeo e bolelwago ka go karolwana (4), e šitilwe ke go itswalanya le boemo bjoo bo apešitšwego goba nyakego yeo e adilwego, go ya ka karolwana (5);
- (b) thušo ya tšhelete ya tirelo e kgolo e se ya dirišetšwa tirelo yeo gare ga paka yeo e lebanego bjalo ka ge go beakantšwe ke leloko; goba

- (c) thušo ya tšhelete e dirilwe ka go fetiša yeo e ukangwago ka go karolwana (8), Leloko le ka tšea magato ao bjalo ka ge go le bohlokwa go humana gape ka moka goba seripa seo sa thušo ya tšhelete goba thušo ya lebakanyana yeo e ukangwago ka go karolwana (8) go etswe hloko mabaka ka moka a taba.

(10) Nakong ya ge go na le kgakgano yeo e rotošwago ge go phethagatšwa maatla ao a beilwego godimo ga Leloko ke Karolo le maatla ao a beilwego godimo ga mmušo-selegae go ya molao ka ofe le ofe o mongwe, maatla ao a šomišwago ke Leloko a swanetše go ba gona.

(11) Leloko le ka re ka molawana la beakanyetša tekolo ya tirelo-maphelo goba setlabele ka goba legatong la Hlogo ya Kgoro.

KGAOLO IX

KAKARETŠO

Kabo ya dinyakwa tša kalafo, bj.bj. go diklinki tša ka ntle

52. (1) Ka taolo ya tumelelo ya Sešegotlotlo, Hlogo ya Kgoro e ka abela ka fao go kgonegalago ka theko ya go akaretša ya poreisi, diokobatši, dipantisi, dinyakwa tša kalafo, ditlabakelo goba diphahlo goba ditirelo tše dingwe, go tirelo-maphelo goba setlabele sefe le sefe seo se hlomilwego, hlokometšwego, beakantšwego, laolwago goba tšwetšwago pele ke mmušo-selegae go ya ka molao ofe le ofe goba go tirelo-maphelo goba setlabakelo sa praebete seo se amogelago thušo ya tšhelete bjalo ka ge go ukangwa ka go karolo 51(4) goba go institušene efe le efe goba motho ofe le ofe yoo a abago tirelo goba legatong la setlabakelo sa tselomaphelo sa profense, mabapi le tirelo yeo.

(2) Tšhelete efe le efe yeo e amogetšwego ke Hlogo ya Kgoro go ya ka karolwana (1) e tla bušetšwa go akhaonte ya mogodiši-kakaretšo wa kgoro.

Neelo ya ditokelo, maatla modiro-tlamego goba mešomo

53. (1) Leloko le ka abela tokelo, maatla modiro-tlamego goba mešomo go Hlogo ya Kgoro gomme le ka matlafatša Hlogo ya Kgoro go fa tokelo yeo, maatla, modiro-tlamego goba mosomo go motho ofe le ofe ka gare ga ditirelo tša kgoro goba tikologo bjalo ka ge Leloko le ka laela goba la šitwa go laela, bjalo ka ge Hlogo e ka kgonthišiša: Ge e le gore ga go tokelo, maatla, modiro-tlamego goba mešomo o tlogo go abelwa Hlogo ya Kgoro mabapi le taba efe le efe ge go loka ga sephetho fao godimo ga yona go le ka taolo ya boipiletšo go Leloko mabapi le karolo 40.

(2) Hlogo ya Kgoro e ka neela ditokelo, maatla, modiro-tlamego goba mešomo yeo e beilwego godimo go ya ka dipeakanyetšo tša Molao wo go motho yo mongwe yoo a lego ka gare ga tirelo ya tikologo bjalo ka ge le ka kgonthišiša: Ge e le gore ga go selo ka gare ga Karolo se tlogo tšewa gore se lokafatša Hlogo ya Kgoro go ka ikehula boikarabelo bjoo bo beilwego magetleng a yona mabapi le tsepedišo e botse le taolo ya ditikologo.

Melawana ya therafiki godmo ga meago e itšego

54. Leloko le tla laola therafiki godimo ga meago ya tirelo-maphelo efe le efe goba setlabakelo, kliniki kholetšhe goba institušene yeo e hlomilwego go ya ka karolo 2 gomme le ka—

- (1) dira melawana ya thibelo, taolo le go sepedišwa ga therafiki yona yeo;
- (2) beakanyetša le go hlokomela ditlabakelo tša go phaka godimo ga meago;
- (3) kgonthišiša ditefelo tšeo di swanetšego go lefiwa godimo ga go šomišwa ga ditlabakelo tša go phaka fao go beakanyeditšwego go ya ka karolwana (2); gomme
- (4) le ka tsenela kwano ya go ngwalwa le motho ofe le ofe go laola le go sepediša tirišo ya ditlabakelo tša go phaka tšeo di filwego go ya ka karolwana (2) mabapi le molawana ofe le ofe woo o dirilwego go ya ka karolwana (1) gomme gwa lefiwa ditefelo tšeo di beakantšwego go ya ka karolwana (1).

Melawana

55. (1) Leloko le ka re nako le nako la dira melawana yeo le ka humanago e le bohlokwa go humana dinepo tša Molao wo, go akaretšwa peakanyo ya mananeotefelo a ditefišo tša ditirelo tšeo di sa beakanyetšwego. Melawana e fapafapanago e ka dirwa mabakeng ao bjalo ka ge Leloko le ka kgonthišiša.

(2) Molao o mongwe le o mongwe woo o dirilwego go ya ka Molao wo o tla gatišwa ka gare ga *Kuranta ya Profense* gomme o tla re gare ga matšatši a šupago a tšatšikgwedi ya kgatišo ya wona wa adiwa pele ga Lekgotla-peamelao la Profense, ge Lekgotla-Peamelao le dutše, goba, ge le se le dule gare ga matšatši a šupa a go thoma ga tulo ya lona yeo e latelago.

(3) Pakeng ya tulo yeo go yona molawana ofe le ofe o adilwego pele ga Lekgotla-Peamelao, Lekgotla-Peamelao le ka—

- (i) dumelela molawana woo;
- (ii) gana molawana wona woo;
- (iii) wo šupetša morago go Leloko.

Ditefišo

56. Tefišo e nngwe le e nngwe yeo e beilwego goba tšhelete efe le efe goba dipeeletšo tšeo di lobilwego goba di begilwego di lobilwe go ya ka Molao wo goba melawana yeo e dirilwego ka mo fase e tla lefelwa ka gare ga akhaonte ya Ditseno tša Profense.

Phedišo ya melao le dipoloko

57. (1) Melao yeo e laeditšwego ka gare ga šetule ye e fedišwa fa go fihla fao go adilwego ka gare ga kholomo ya boraro ya yona.

(2) Kgoeletšo efe le efe, molawana, tsebišo, taelo, thibelo, matlafatšo, tumelelo, tshedimošo goba tokumente yeo e ntšhitšwego, le tiro efe le efe e nngwe yeo e tšerwego ka fase ga peakanyetšo ya molao woo o fedišitšwego ka karolwana n(1), o tla tšewa go be o ntšhitšwe goba o tšerwe ka fase ga dipeakanyetšo tšeo di tswalanago tša Molao wo.

Thaetlele e kopana le go thoma

58. Molao wo o tla bitšwa Molao wa Ditirelo-Maphelo wa Profense ya Leboa, 1998, gomme o tla thoma go šoma ka tšatšikgwedi yeo e tlogo go bewa ke Tonakgolo ka kgoeletšo ka gare ga *Kuranta ya Profense*.

ŠETULE**MELAO YEO E FEDIŠITŠWEGO**

Nomoro le ngwaga wa molao	Thaetele e kopana	Bokgole bja phedišo
Molao 14 wa 1958.....	Molao wa dipetlele wa 1958.	Ka moka
Molao 13 wa 1984	Molao wa Maphelo wa Venda 1984	Karolo 28 bokgole bjoo e tswalanago le ditirelo- maphelo le ditlabakelo
Molao wa Maphelo	1978	

NḐIVHADZO YA VUNDU

OFISI YA PREMIA

No. 4**1999**

Hu khou ḑivhadzwa henefha uri Premia o tendela Mulayo u tevhelaho une wa khou anḑadziwa uri u ḑivhiwe nga vhoṭhe:—

No. 5 wa 1998: Mulayo wa Tshumelo dza Mutakalo wa Vundu la Devhula, 1998

MULAYO

Wa u ṭanganya milayo i yelanaho na tshumelo dza Mutakalo na zwishumiswa zwa Vundu la Devhula na u vhetshela mafhungo a elanaho na zwenezwo

(Tshipiḑa tsha Tshiisimane tsho sainwaho nga Premia)

(Tsho ḑivhadzwa kha nga 4 Phando 1999)

HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la devhula nga u rali:—

Dziṭhanda vhudzo

1. Kha hoyu Mulayo nga nḑa ha musi zwi re ngomu zwi tshi amba zwiṭwe.
 - “Bodo” zwi amba bodo ya tshumelo dza mutakalo yo vhumbiwaho hu tshi tevhedzwa khethekanyo 11;
 - “Muhasho” zwi amba muhasho u re na vhuḑifhinduleli ha tshumelo dza mutakalo kha Vundu;
 - “Mulangi wa tshitiriki” zwi amba mulangi o laedzwaho kha khethekanyo 4;
 - “Mulwadze wa nḑa” zwi amba mulwadze a songo ṭanganedziwaho kha zwishumiswa zwa tshumelo dza mutakalo nahone u ya henefho u yela u ṭaṭhuvhiwa;
 - “Mupurakatishina wa phuraivethe” zwi amba:
 - (a) mupurakatishina a siho kha tshumelo dza tshoṭhe dza Muvhuso wa Vundu; kana
 - (b) mupuraktishina ane a si vhe mufari wa mushumo wa u funza hu tshi tevhedzwa khethekanyo 47(1) kana hu tshi tevhedzwa khethekanyo 48;

"Mupurakatishina" zwi amba muthu muṇwe na muṇwe o redzhisiṭaraho sa phurofeshenala hu tshi tevhedzwa mbetshelo dza Mulayo wa Tshumelo dza Mutakalo dza Tswikisedzo na zwa Mishonga na Maṇo, 1974 (Mulayo 56 wa 1974), Mulayo wa Famasi, No. 53 wa 1974, kana Mulayo wa Vhunese, 1957 (Mulayo 69 wa 1957);

"Murado" zwi amba Murado wa khorotshitumbe a re na vhuḍifhinduleli ha zwa mutakalo;

"Muvhuso wapo" zwi amba muvhuso wapo wo vhumbiwaho hu tshi tevhedzwa ndima ya 7 ya Mulayotewa wa Riphabuliki ya Afurika Tshipembe, 1996 (Mulayo 108 wa 1996):

"Muvhuso" zwi amba muvhuso wa Vundu la Devhula;

"Ndaulo" zwi amba ndaulo ya Vundu la Devhula hu tshi katelwa na Muvhuso wa Vundu la Devhula;

"Nwaha wa Mbalelano" zwi amba tshifhinga tsha vhukati ha ḍuvha la u thoma la Lambamai la ṇwaha muṇwe na muṇwe na ḍuvha la vhufuraruthihi la Thafamuhwe la ṇwaha u tevhelaho, maḍuvha oṭhe a tshi katelwa;

"Thaṭhuvho" zwi katela mbetshelo dza—

- (a) zwiliwa na vhudzulo;
- (b) ndondolo ya manese;
- (c) mishonga, sedzhikhala, obstetiriki, maṇo, therapeutiki, kana thaṭhuvho ya mbueledzo; na
- (d) matshimbidzele a u tola; na
- (e) ngeletshedzo;

"Thoho ya muhasho" zwi amba thoho ya muhasho o tholwaho sa Muofisiri wa Mbalelano a re na vhuḍifhinduleli ha mutakalo wo laedzwaho kha khethekanyo 4;

"Tshishumiswa tsha mutakalo tsha mushumo wa sipeshala" zwi amba tshishumiswa tshifhio na tshifhio tsho vhetshelwaho thungo u itela dzilafho la lufhia, malwadze a muhumbulo kana maṇwe maimbele afhio na afhio nahone zwo bulwa nga u ralo nga Murado hu tshi tevhedzwa khethekanyo 2(3)(d).

"Tshishumiswa tsha Mutakalo tsha Tshiṭiriki" zwi amba tshishumiswa tsho bulwaho nga u ralo nga Murado hu tshi tevhedzwa khethekanyo 2(4)(a).

"Tshiṭiriki" zwi amba tshiṭiriki tshifhio na tshifhio tsho khethekanywaho tsha mupo tsho laedzwaho kha khethekanyo 2;

"Tshumelo ya mutakalo" zwi amba tshumelo ifhio na ifhio i ḍisedzwaho kha, kana i tshi khou tikedza zwishumiswa zwa mutakalo nahone yo laedzwa kha khethekanyo 2(2) na (4);

"Uyu Mulayo" zwi katela dzindaulo;

"Vhalwadze vha ngomu" zwi amba mulwadze ane a si vhe mulwadze wa nḍa nahone a wanaho thaṭhuvho kha zwishumiswa zwa tshumelo dza mutakalo;

"Vhulaedzwa ha mutakalo ha tshiṭiriki" zwi amba bodo yo vhumbiwaho u itela tshiṭiriki hu tshi tevhedzwa khethekanyo 2(1)(b) na Ndim 111;

"Tshishumiswa tsha mutakalo tsha phuraivethe" zwi amba tshishumiswa tsha mutakalo tshine tshi sa vhe tshishumiswa tsha tshumelo ya mutakalo hune muvhuso wa Vundu la Devhula (hu tshi katelwa na ndaulo) kana muvhuso wa Vundu u si vhe mune kana zwi sa langiwi nga Muvhuso wa Vundu kana Muvhuso wapo;

"Tshishumiswa tsha mutakalo tsha referala tsha dzingu" zwi amba tshishumiswa tsho dzhiwaho nga u ralo nga Muraḓo hu tshi tevhedzwa khethekanyo 2(4)(b);

"Tshishumiswa tsha mutakalo tsha referala tsha Vundu" zwi amba tshishumiswa tsho dzhiwaho nga u ralo nga Muraḓo hu tshi tevhedzwa khethekanyo 2(4)(c); na

"Tshishumiswa tsha mutakalo" zwi amba tshishumiswa tsha mutakalo tshifhio na tshifhio tsho laedzwaho khethekanyo 2(2).

NDIMA I

TSHUMELO DZA MUTAKALO NA ZWISHUMISWA

Kuthomelwe na mbumbo ya tshumelo dza mutakalo

2. (1) Muraḓo a nga ri u itela ndaulo ya vhuḓi na nḓisedzo ya vhuḓi nahone i pfadzaho ya tshumelo dza mutakalo kha Vundu, nga nḓivhadzo dza *Gazete ya Vundu*—

- (a) a khethekanya zwiṭiriki uri zwi vhumbwe nga vhupo ha muvhuso wapo muthihi kana hunzhi na u ta dziṇa line ngaḓo uho vhupo ha ḓo ḓihwa;
- (b) malugana na tshiṭiriki tshiṇwe na tshiṇwe tsho bulwaho nga uralo hu ḓo thomiwa Tshiṭiriki tsha Vhulaedzwa tsha Mutakalo nga thendelano na mivhuso yapo i kwameaho sa zwo bulwaho kha khethekanyo 156(4) ya Mulayotewa wa Riphapuliki ya Afrika Tshipembe, 1996 (Mulayo 108 wa 1996); na
- (c) u khwinisa kana u humisa iyo nḓivhadzo ifhio na ifhio kha *Gazete ya Vundu* arali zwi kha dzangalelo la ndaulo i re na vhukoni.

(2) Mbetshelelo kha Ndimu ya III dzi shuma kha Vhulaedzwa ha Mutakalo ha Tshiṭiriki: Tenda ha vha uri bodo dzoṭhe na dzikomiti dzo vhumbwaho u itela tshumelo dza mutakalo dza tshiṭiriki na zwishumiswa, hu sa katelwi idzo dzo ṭalulwaho hu tshi tevhedzwa khethekanyo ṭhukhu 2(4)(b), (c) na (d), zwi wela fhasi ha Vhulaedzwa ha Mutakalo ha Tshiṭiriki tshine dza vha khatsho.

(3) Muraḓo u ḓo, nga murahu ha vhukwamani na Muraḓo wa Khorotshitumbe a re na vhuḓifhinduleli ha Mishumo ya Vhathu, thoma zwishumiswa zwa Mutakalo na tshumelo ngomu ha zwiṭiriki zwo laedzwaho kha khethekanyoṭhukhu (1) hu tshi katelwa na—

- (a) tshumelo dzi swikeleaho dzine dza ḓo disedzwa nga zwishumisi zwi tshimbilaho;
- (b) dzikilini;
- (c) senthara dza mutakalo dzi re na ndadzo ya tshifhinga tshipufhi ya u ṭanganedza;

- "Mupurakatishina"** zwi amba muthu muñwe na muñwe o redzhisiṭaraho sa phurofeshenala hu tshi tevhedzwa mbetshelo dza Mulayo wa Tshumelo dza Mutakalo dza Tswikisedzo na zwa Mishonga na Maṇo, 1974 (Mulayo 56 wa 1974), Mulayo wa Famasi, No. 53 wa 1974, kana Mulayo wa Vhunese, 1957 (Mulayo 69 wa 1957);
- "Muraḍo"** zwi amba Muraḍo wa khorotshitumbe a re na vhuḍifhinduleli ha zwa mutakalo;
- "Muvhuso wapo"** zwi amba muvhuso wapo wo vhumbiwaho hu tshi tevhedzwa ndima ya 7 ya Mulayotewa wa Riphabuliki ya Afurika Tshipembe, 1996 (Mulayo 108 wa 1996);
- "Muvhuso"** zwi amba muvhuso wa Vundu la Devhula;
- "Ndaulo"** zwi amba ndaulo ya Vundu la Devhula hu tshi katelwa na Muvhuso wa Vundu la Devhula;
- "Nwaha wa Mbalelano"** zwi amba tshifhinga tsha vhukati ha ḍuvha la u thoma la Lambamai la ṇwaha muñwe na muñwe na ḍuvha la vhufuraruthihi la Thafamuhwe la ṇwaha u tevhelaho, maḍuvha oṭhe a tshi katelwa;
- "Thaṭhuvho"** zwi katela mbetshelo dza—
- (a) zwiḽiwa na vhudzulo;
 - (b) ndondolo ya manese;
 - (c) mishonga, sedzhikhala, obstetiriki, maṇo, therapeutiki, kana thaṭhuvho ya mbueledzo; na
 - (d) matshimbidzele a u ṭola; na
 - (e) ngeletshedzo;
- "Thoho ya muhasho"** zwi amba ṭhoho ya muhasho o tholwaho sa Muofisiri wa Mbalelano a re na vhuḍifhinduleli ha mutakalo wo laedzwaho kha khethekanyo 4;
- "Tshishumiswa tsha mutakalo tsha mushumo wa sipeshala"** zwi amba tshishumiswa tshifhio na tshifhio tsho vhetshelwaho thungo u itela dzilafho la lufhia, malwadze a muhumbulo kana mañwe maimbele afhio na afhio nahone zwo bulwa nga u ralo nga Muraḍo hu tshi tevhedzwa khethekanyo 2(3)(d).
- "Tshishumiswa tsha Mutakalo tsha Tshiṭiriki"** zwi amba tshishumiswa tsho bulwaho nga u ralo nga Muraḍo hu tshi tevhedzwa khethekanyo 2(4)(a).
- "Tshiṭiriki"** zwi amba tshiṭiriki tshifhio na tshifhio tsho khethekanywaho tsha mupo tsho laedzwaho kha khethekanyo 2;
- "Tshumelo ya mutakalo"** zwi amba tshumelo ifhio na ifhio i ḍisedzwaho kha, kana i tshi khou tikedza zwishumiswa zwa mutakalo nahone yo laedzwa kha khethekanyo 2(2) na (4);
- "Uyu Mulayo"** zwi katela dzindaulo;
- "Vhalwadze vha ngomu"** zwi amba mulwadze ane a si vhe mulwadze wa nṇḁ nahone a wanaho thaṭhuvho kha zwishumiswa zwa tshumelo dza mutakalo;
- "Vhulaedzwa ha mutakalo ha tshiṭiriki"** zwi amba bodo yo vhumbiwaho u itela tshiṭiriki hu tshi tevhedzwa khethekanyo 2(1)(b) na Ndim 111;

"Tshishumiswa tsha mutakalo tsha phuraivethe" zwi amba tshishumiswa tsha mutakalo tshine tshi sa vhe tshishumiswa tsha tshumelo ya mutakalo hune muvhuso wa Vundu la Devhula (hu tshi katelwa na ndaulo) kana muvhuso wa Vundu u si vhe mune kana zwi sa langiwi nga Muvhuso wa Vundu kana Muvhuso wapo;

"Tshishumiswa tsha mutakalo tsha referala tsha dzingu" zwi amba tshishumiswa tsho dzhiwaho nga u ralo nga Muraḁo hu tshi tevhedzwa khethekanyo 2(4)(b);

"Tshishumiswa tsha mutakalo tsha referala tsha Vundu" zwi amba tshishumiswa tsho dzhiwaho nga u ralo nga Muraḁo hu tshi tevhedzwa khethekanyo 2(4)(c); na

"Tshishumiswa tsha mutakalo" zwi amba tshishumiswa tsha mutakalo tshifhio na tshifhio tsho laedzwaho khethekanyo 2(2).

NDIMA I

TSHUMELO DZA MUTAKALO NA ZWISHUMISWA

Kuthomelwe na mbumbo ya tshumelo dza mutakalo

2. (1) Muraḁo a nga ri u itela ndaulo ya vhuḁi na nḁisedzo ya vhuḁi nahone i pfadzaho ya tshumelo dza mutakalo kha Vundu, nga nḁivhadzo dza *Gazete ya Vundu*—

- (a) a khethekanya zwiṭiriki uri zwi vhumbwe nga vhupo ha muvhuso wapo muthihi kana hunzhi na u ta dzinga line ngalo uho vhupo ha ḁo ḁihwa;
- (b) malugana na tshiṭiriki tshiṇwe na tshiṇwe tsho bulwaho nga uralo hu ḁo thomiwa Tshiṭiriki tsha Vhulaedzwa tsha Mutakalo nga thendelano na mivhuso yapo i kwameaho sa zwo bulwaho kha khethekanyo 156(4) ya Mulayotewa wa Riphambuliki ya Afrika Tshipembe, 1996 (Mulayo 108 wa 1996); na
- (c) u khwinisa kana u humisa iyo nḁivhadzo ifhio na ifhio kha *Gazete ya Vundu* arali zwi kha dzangalelo la ndaulo i re na vhukoni.

(2) Mbetshelo kha Ndimu ya III dzi shuma kha Vhulaedzwa ha Mutakalo ha Tshiṭiriki: Tenda ha vha uri bodo dzoṭhe na dzikomiti dzo vhumbwaho u itela tshumelo dza mutakalo dza tshiṭiriki na zwishumiswa, hu sa katelwi idzo dzo ṭalulwaho hu tshi tevhedzwa khethekanyo ṭhukhu 2(4)(b), (c) na (d), zwi wela fhasi ha Vhulaedzwa ha Mutakalo ha Tshiṭiriki tshine dza vha khatsho.

(3) Muraḁo u ḁo, nga murahu ha vhukwamani na Muraḁo wa Khorotshitumbe a re na vhuḁifhinduleli ha Mishumo ya Vhathu, thoma zwishumiswa zwa Mutakalo na tshumelo ngomu ha zwiṭiriki zwo laedzwaho kha khethekanyoṭhukhu (1) hu tshi katelwa na—

- (a) tshumelo dzi swikeleaho dzine dza ḁo disedzwa nga zwishumisi zwi tshimbilaho;
- (b) dzikilini;
- (c) senthara dza mutakalo dzi re na ndadzo ya tshifhinga tshipfufhi ya u ṭanganedza;

- (d) zwishumiswa zwa mutakalo, hu tshi katelwa na zwibadela, u itela u tangedza na u alafhiwa ha vhalwadze;
 - (e) dziofisi na zwiimiswa zwa u itela ndaulo kana ngisedzo dza dziñwe tshumelo dza mutakalo.
- (4) Muraḁo a nga vhea tshumelo dza mutakalo dzo tuluswaho u shuma sa—
- (a) zwishumiswa zwa mutakalo zwa tshitiḁiki;
 - (b) zwishumiswa zwa mutakalo zwa referala zwa dzingu;
 - (c) zwishumiswa zwa mutakalo zwa referala zwa Vundu; na
 - (d) zwishumiswa zwa mutakalo zwa mushumo wa sipeshala kana zwiimiswa.
- (5) Muraḁo a nga thoma na u londota u itela muhumbulo wa u tikedza zwishumiswa na tshumelo ya ndondolo ya mutakalo—
- (a) ambulese na tshumelo dza shishi dza zwa mishonga;
 - (b) tshumelo dza vhuendi;
 - (c) dzidepo u itela u bveledzwa na u lugiswa ha dzisedzhikhala dza zwa marambo, zwishumiswa na dzinwe pfarwa na zwa mishonga;
 - (d) dzifamasi na dziñwe depo dza ngisedzo;
 - (e) dzilondoria;
 - (f) dzikholidzhi na zwikolo zwa vhunese kana zwiñwe zwiimiswa zwa vhugudisi ha vhathu u itela tshumelo kha Muhasho;
 - (g) tshumelo dza u kheithara; na
 - (h) dziñwe tshumelo dzifhio na dzifhio kana tshiimiswa tshine tsha nga vha tsha ndeme kha u swikela ndivho dza uyu Mulayo.
- (6) Tshishumiswa tshifhio na tshifhio tsha tshumelo dza mutakalo na tshiimiswa tsha lushaka tsho randelwaho kha khethekanyoḁhukhu (2), (3) kana (4) na u thomiwa kha Vundu phanda ha u thoma u shuma ha uyo Mulayo, u ḁo dzhiwa sa vhunga wo thomiwa hu tshi tevhedzwa iyi khethekanyo.

Maanda Nyangaredzi a Muraḁo wa Khorotshitumbe

3. Muraḁo a nga—

- (1) ita mbetshelo u itela vhudzulo na bodo ya tshitafu tsha tshishumiswa tsha mutakalo, tshiimiswa kana tshumelo yo thomiwaho hu tshi tevhedzwa khethekanyo 2;
- (2) hira, hirisa, rennda, u tḁa, u badela, u imisa, u fhaḁa kana nga iñwe nḁila a shumisa uho vhudzulo kana tshumelo sa zwine zwa nga vha zwa ndeme u itela u swikela ndivho na mihumbulo ya iyi Ndimahone a nga laedza uri uho vhunwe vhudzulo vhufhio na vhufhio kana tshumelo dzi ḁo vha tshipiḁa tsha tshumelo ya mutakalo i re hone, tshishumiswa kana tshiimiswa tsho thomiwaho hu tshi tevhedzwa khethekanyo (2); kana

- (3) hu tshi tevhedzwa thendelo ya Mulangagwama na kha mbetshelo dza khethekanyo 5, u dzula kana u rengisa ndaka i sudzuluseaho na i sa sudzulusei yo wanwaho nga Ndaulo u itela ifhio na ifhio ya ndivho dza uyu Mulayo.

Ndaulo yapo na ndango ya zwishumiswa zwa tshumelo dza mutakalo, zwiimiswa na tshumelo

4. Ndaulo yapo na ndango ya tshumelo ya Mutakalo ya tshiriki inwe na inwe na ya tshiimiswa tshinwe na tshinwe na tshumelo dzo thomiwaho hu tshi tevhedzwa khethekanyo 2, zwo hweswa kha muthu o tholwaho nga Muraḁo sa mulangi heneffho, na muthu uyo ufhio na ufhio—

- (1) u ḁo vha na vhuḁifhinduleli kha Thoho ya Muhasho u itela ndango yavhuḁi na ndaulo ya tshiriki kana ya tshumelo ya mutakalo kana tshishumiswa tshi re fhasi ha ndaulo yawe. Muraḁo ufhio na ufhio, pfanelo, mushumo kana ndivhanele yo newaho kana yo hweswaho kha muḁwe uyo muthu hu tshi tevhedzwa mbetshelo dza uyu Mulayo kana ndaulo dzo itwaho heneffho fhasi, dzi tea u shumiswa hu tshi tevhedzwa idzo ndaela sa zwine Thoho ya Muhasho a nga nea, dzine dzi si tevhekane na mbetshelo dza uyu Mulayo kana dzindaulo; na
- (2) a nga tholwa lwa tshoṭhe kana lwa tshifhinga tshi si lwa tshoṭhe.

U ṭanganedzwa ha maifa, dzimpho kana dzimbadelo

5. (1) Muraḁo kana Thoho ya Muhasho, hu tshi tevhedzwa thendelo ya Mufaragwama, a nga ṭanganedza ndaka ifhio na ifhio nga nḁila ya mpho ya ifa kana mbadelo, kana iyo ndaka yo tou newa sa ifa kana hai, newa sa mpho kana u badelwa kha tshikwama u itela muḁwe muhumbulo u kwamanaho na zwishumiswa zwa tshumelo ya mutakalo i ḁaho kana i re hone kana tshiimiswa kana tshumelo yo thomiwaho kana ine ya ḁo thomiwa hu tshi tevhedzwa khethekanyo 2 kana kha tshikwama u itela inwe ndivho ifhio na ifhio yo bulwaho kha uyu Mulayo.

(2) Hune—

- (a) ndaka ifhio na ifhio ya hweswa kha Muvhuso kana Ndaulo; kana
- (b) ndaka ifhio na ifhio yo ṭanganedzwaho nga Muraḁo kana bodo; kana
- (c) ndaka ifhio na ifhio i khou ṭanganedzwaho nga Muraḁo kana Thoho ya Muhasho hu tshi tevhedzwa khethekanyoṭhukhu (1),

nahone hu tshi iwa nga tshikwama tshifhio na tshifhio kana linwe ifa, iyo ndaka i ḁo sala i fhasi ha itsho tshikwama kana ifa nahone tshi ḁo shumiwa natsho hu tshi yiwa nga thendelano na maimela heneffho: Tenda ha vha uri ndaka inwe ifhio na ifhio yeneyo i do vha i siho kha ndango ya itsho tshikwama kana ifa, tshi nga shumiswa kha muḁwe muhumbulo malugana na tshumelo dza mutakalo dza Vundu na zwishumiswa kana zwiimiswa zwo thomiwaho fhasi ha khethekanyo 2 u itela mbuelo ya itsho tshikwama kana ifa kha we a vha o itelwa.

(3) Ndaka ifhio na ifhio yo laedzwaho kha khethekanyoṭhukhu (2)(a), (b) kana (c) ine ya ḁo shumiswa kha tshinwe tshishumiswa tsha mutakalo kana kha itsho tshiimiswa kana tshumelo yo thomiwaho hu tshi tevhedzwa khethekanyo 2 i nga, nga nḁa ha musi i khou ṭoḁa u shumiswa u itela inwe ndivho kana muhumbulo hu tshi tevhedzwa itsho tshikwama kana ifa, i shumiswe nga iyo ndila sa zwine Muraḁo a nga ta u itela u kuvhanganya zwishumiswa u itela itsho tshishumiswa tsha mutakalo, tshiimiswa kana tshumelo kana u itela muhumbulo ufhio na ufhio wa tshede u elanaho na itsho tshishumiswa tsha mutakalo, tshumelo ya tshiimiswa.

(3) Muraḁo a nga—

- (a) fhelisa bodo;
- (b) vhumba bodo dza nyengedzedzo;
- (c) engedza kana u fhugudza mbalo ya miraḁo ya bodo; kana
- (d) fhirisela tshumelo ya mutakalo kana tshishumiswa u bva kha iṅwe bodo u ya kha iṅwe bodo.

U tholwa ha miraḁo ya dzibodo

12. (1) Hu tshi tevhedzwa mbetshelo dza khethekanyo 13, muraḁo muṅwe na muṅwe wa bodo u tea u tholwa nga Muraḁo Mudzulatshidulo zwo ralo u ḁo khethiwa nga iyo ndila sa zwine Muraḁo a nga randela nga ndaulo: Tenda ha vha uri a huna Muraḁo wa bodo ane a vha mupuraktishina wa tshoṱhe kha tshiṱafu tsha tshumelo dza mutakalo kana kha zwiṅwe zwishumiswa zwe iyo bodo ya vhumbelwa u do vha mudzulatshidulo heneḁho.

(2) Mulanguli wa tshiṱiriki kana tshishumiswa tshe bodo ya vhumbelwa tshone tshi ḁo vha muraḁo *ex officio* wa bodo.

Ndalukano dza miraḁo ya dzibodo

13. Vhathu vha tevhelaho a vha tendelwi u tholwa sa miraḁo ya bodo, kana u bvela phanḁa na u vha miraḁo:

- (1) Muthu muṅwe na muṅwe a re na miṅwaha i re fhasi ha fumimalo;
- (2) muthu ufho na ufho a re na muhumbulo u songo fhelelaho we a bulwa ngauralo nga khothe i re na vhukoni kana muofisiri wa mulayo;
- (3) muthu ufho na ufho o kundelwaho nga u badela mulandu lwa tshoṱhe;
- (4) muthu ufho na ufho we a vhone mulandu wa vhukhaxhi nahone a gwevhelwa u dzula dzhele nga nḁa ha faini nga nḁa ha musi ene o wana khangwelo ya fhedzi, kana nga nḁa ha musi uho u dzula dzhele ho fhela zwaho minwaha miṱanu phanḁa ha uho u tholwa;
- (5) muthu ufho na ufho a re na dzangalelo (nga iṅwe ndila u fhira muraḁo wa khamphani ya vhathu yo vhumbekeṅaho) kha khonṱhirakha ifho yo itwaho ho imelwa tshumelo ya mutakalo ifho na ifho kana tshishumiswa tsha bodo tshine a vha muraḁo kana muraḁo a no khou bvela phanḁa o vhewa a balelwa u sumbedza ilo dzangalelo: Tenda ha vha uri a huna na tshithi-hi tsho faredzwaho kha iyi phara zwa ḁo dzhiwa sa u sa tendelwa hune konṱiraka ya khou tendelwa nahone ya dzhiwa sa ine ya tamisa kha dzangalelo la vhathu nga Muraḁo he iyo konṱiraka ya vha malugana na tshumelo dza phurofesheni ya mupuraktishina;
- (6) muthu ufho na ufho we a vhone mulandu wa u sa fhulufhedzea, kana we a dzhiwa a so ngo tea u ita swithu zwawe; kana
- (7) muthu ufho na ufho wa a bviswa ofisini ya u fhulufhedzea nga khothe i re na vhukoni.

Tshikhala tsha Ofisi tsha miraḡo ya dzibodo

14. Yoṭhe miraḡo ya dzibodo i ḡo vha ofisini lwa tshifhinga tshi linganaho minwaha miraru u bva deithi ya u tholwa havho: Tenda ha vha uri miraḡo yo tholwaho nga Muraḡo lwa u thoma kha bodo ntswa, yo vhumbiwaho hu tshi tevhedzwa mbetshelo dza Mulayo; vha ḡo vha ofisini nga nḡila i tevhelaho:

- (a) thihi tsha raru tsha tshifhinga tsha ṛwaha muthihi;
- (b) thihi tsha raru tsha tshifhinga tsha minwaha mivhili;
- (c) thihi tsha raru tsha tshifhinga tsha minwaha miraru;

Tenda hu tshi bvelwa phanḡa ha vha uri siani ḡa muraḡo o tholwaho u ḡadza tshikhala tshi si tsha ndeme (tshoṭhe); uho u tholwa hu ḡo ri tshifhingani tshiṛwe na tshiṛwe tsha vha tshi sa fheli kha uyo muthu we u tholiwa ha itwa khae.

Musi Ofisi ya muraḡo i tshi sala i si na muthu

15. Arali muraḡo o thathiwa hu tshi tevhedzwa khethekanyo 13 kana—

- (1) arali ene a lovha; kana
- (2) a ṭutshela ofisi yawe nga u tou ṛala; kana
- (3) a si vhe hone miṭanganoni miraru zwayo i tevhelaho ya bodo nga nṇḡa ha thendelo ya bodo,

ofisi yawe i ḡo dzhiwa i si na muthu nga mudzulatshidulo wa bodo ane a ḡo vhiga mafhungo kha Muraḡo ane a ḡo ri hu tshi tevhedzwa mbetshelo dza khethekanyo 12 na 13 a ḡo thola muraḡo wa u ḡadza itsho tshikhala.

U fhela ha tshikhala tsha ofisi tsha miraḡo ya dzibodo, u vhewa ha bodo dza tshifhinganyana, na u vhewa ha vhathu vha u shumisa kana u ita pfanelo, maanḡa, ndivhanele kana mishumo ya dzibodo

16. (1) Muraḡo a nga fhelisa tshikhala tsha ofisi tsha miraḡo ya bodo u bva nga deithi yo bulwaho—

- (a) arali bodo ya dzhiela fhasi u fara muṭangano lwa tshifhinga tsha miṛwedzi miṭanu na muthihi; kana
- (b) arali ene a tshi fushea uri bodo—
 - (i) yo kundelwa kana u hana u ita ndivhanele ifhio na ifhio kana mushumo we ya hweswa nga uyu Mulayo kana Ndaulo dzo itwaho heneffho fhasi; kana
 - (ii) yo kundelwa lu sa pfadzi kana u hana u shumisa pfanelo ifhio na ifhio kana maanḡa e ya hweswa nga uyu Mulayo kana dzindaulo dzo itwaho heneffho fhasi;
 - (iii) yo ita nyito ifhio na ifhio i siho mulayoni kana i sa ṭoḡeiho; kana
 - (iv) o shumisa kana u ita pfanelo dzayo, maanḡa, ndivhanele kana mishumo nga ndila i si yone kana u tshinyadza tshumelo ya mutakalo kana zwishumiswa zwo vhetshelwaho zwenezwo; kana

- (v) arali nomboro ya miraḁo ya iyo bodo yo tsa kha nomboro, hu tshi yiwa nga muhumbulo wa Muraḁo, i sa fushe kha u bveledzwa ha mushumo heneḁho.

(2) Muraḁo a nga; nga murahu ha u bula muhumbulo na u nea bodo tshifhinga tsha u nea mahumbulwa avho heneḁho a fhelisa dzanganwa lo swikelwaho muḁanganoni wa bodo ifhio na ifhio line u ya nga muhumbulo wawe, la vha lo dzhiwa nga nḁila i si yone kana ho vha nḁila i songo ḁaho ya u shuma mishumo yayo kana u shumisa maanda ayo zwine zwa vha zwi vhaiḁo dzangalelo la tshumelo ya mutakalo ya Vundu, tshishumiswa kana tshiḁiriki.

(3) Arali zwikhala zwa ofisi zwa miraḁo yoḁhe ya bodo zwi tshi khou fheliswa hu tshi tevhedzwa khethekanyoḁhukhu (1) kana, arali hu si na miraḁo, Muraḁo a nga—

- (a) thola miraḁo ya iyo bodo hu tshi tevhedzwa mbetshelo dza iyi Ndima nahone u itela uyo muhumbulo iyo bodo i ḁo dzhiwa sa bodo ntswa;
- (b) u thola vhuimoni hayo bodo (hafha murahu ye ya vhidzwa u pfi bodo ya tshifhinganyana) lwa itsho tshifhinga, tshi sa fhiriho nḁaha muthihi sa zwine ene a nga ta.

(4) Nomboro ya miraḁo ya bodo ya tshifhinganyana a i nga fhiri nomboro ya miraḁo yo tiwaho ya bodo fhethu hune iyo bodo ya tshifhinganyana ya ḁo vha yo vhewa.

(5) Mbetshelo dza uyu Mulayo na ndaulo dzo itwaho heneḁho fhasi i yelanaho na bodo dzi ḁo shuma kha bodo ya tshifhinganyana.

(6) Phanda ha u fhela ha tshikhala tsha ofisi tsha bodo ya tshifhinganyana, Muraḁo u ḁo khetha miraḁo ya bodo vhuimoni he iyo bodo ya tshifhinganyana ya vha yo vhewa nahone iyo bodo i do dzhiwa sa bodo ntswa fhedzi mirado yeneyo a i nga thomi u shuma u swikela ḁuvha li tevhelaho la u fhela ha tshikhala tsha ofisi tsha iyo bodo ya tshifhinganyana.

(7) Muraḁo a nga thola lwa itsho tshikhathi, tshi sa fhiriho nḁaha muthihi, muthu kana vhathu u ita ifhio na ifhio ya pfanelo, maanḁa, ndivhanele dza mishumo ya bodo ine nga nḁhani ha tshiitisi tshifhio na tshifhio i sa kone u shuma, sa zwine ene a nga ta.

(8) Muraḁo u ḁo ha u ita inwe nyito ifhio na ifhio kha muraḁo wa bodo—

- (a) ḁivhadza muraḁo nga ha mavharivhari;
- (b) nea muraḁo tshifhinga tsha u ḁifhindulela; na
- (c) u nea zwiitsi zwo fhelelaho zwa tsheo ya dzhiwaho.

Pfanelo, Maanḁa, Ndivhanele na Mishumo ya dzibodo

17. (1) Bodi i nga—

- (a) ita dzithemendelo kha Thoho ya Muhasho, Mulangi wa tshiḁiriki kana Mulangi wa tshumelo ya mutakalo kana tshishumiswa, dze iyo bodo ya vhumbelwa dzone, kha mafhungo a kwamaho tshumelo dza mutakalo na kha nḁila na maitele ane ngao ndango, ndaulo, kana matshimbidzele a tshumelo dza mutakalo a nga khwiniswa;

- (b) t̥ola u tea na vhukoni ha vhaofisiri kha tshiṭafu tsha tshumelo ya mutakalo kana tshishumiswa tshe iyo bodo ya vhumbelwa tshone nahone ya ita dzithemendelo kha Ṭhoho ya Muhasho malugana na zwenezwo.

(2) Bodi i ḡo—

- (a) malugana na dzothe tshumelo dza mutakalo na dze ya vhumbelwa dzone, ṇea mahumbulwa na u ita dzithemendelo kha Ṭhoho ya Muhasho nga kha mulangi wa tshiṭiriki kha oṭhe mafhungo, mivhigo, maṇwalo na dzithemendelo dzo ḡiswaho khayoy u itela tsedzuluso na malugana na—

- (i) mugaganyo wa ṇwaha wa mbuelo na zwibviswa;
- (ii) tshumiso ya zwikwama zwa tshelede;
- (iii) zwitatamennde zwa gwama na mivhigo ya Muṭolamuvhalelano wa Vundu;
- (iv) u sikiwa ha zwikhala zwa nyengedzedzo zwa tshiṭafu tsha tshumelo ya mutakalo kana tshishumiswa;
- (v) u imiswa, u engedzedzwa na u shandukiswa ha zwifhaṭo;
- (vi) ndondolo ya zwifhaṭo na zwishumiswa;
- (vii) ndinganyiso ya tshishumiswa, zwifhaṭo na matshimbidzele;
- (viii) u dzhena kha dzikonṭiraka;
- (ix) dzindaulo;
- (x) mbilaelo dzifhio na dzifhio nga mulwadze, muraḡo wa vhathu, mupuraktishina ufhio na ufhio kana muraḡo wa tshiṭafu;
- (xi) ekonomi na vhukoni; kana
- (xii) mishumo nga u angaredza ya iyo tshumelo ya mutakalo kana tshishumiswa;

- (b) luthihi zwawo nga murahu ha miṇwedzi miraru, i tshi vhaliwa u bva kha ḡuvha la u thoma la ṇwaha muṇwe na muṇwe, u t̥ola tshumelo ya mutakalo iṇwe na iṇwe kana tshishumiswa u itela zwe iyo bodo ya vhumbelwa zwone nahone a vhiga kha Ṭhoho ya Muhasho heneṇho;

- (c) eletshedza mulangi wa tshiṭiriki na mulangi wapo wa tshishumiswa tsha tshumelo ya mutakalo u itela zwe iyo bodo ya vhumbelwa zwone kana Ṭhoho ya Muhasho kha mafhungo maṇwe afhio na afhio e a ḡiswa khayoy nga uyo mulangi wa tshiṭiriki kana Ṭhoho ya Muhasho; na

- (d) u ita iyo miṇwe mishumo na u shuma iyo miṇwe mishumo sa zwine Muraḡo a nga ta tshifhinga nga tshifhinga.

Dzindaulo**25. Muraḑo a nga ri tshifhinga na tshifhinga a ita dzindaulo—**

- (1) dza u randela ndaulo, vhuḑifari na ndango ya miḑangano ya bodo kana komiti ifhio na ifhio heneho;
- (2) dza u randela maanḑa na mishumo ya Mudzulatshidulo ufhio na ufhio kana Mudzulatshidulo Mufareli wa bodo kana komiti;
- (3) u randela kha nyengedzedzo ya pfanelo, maanḑa ndivhanele na mishumo ya dzibodo yo newaho kana u hweswa hu tshi tevhedzwa mbetshelo dza uyu Mulayo, u bvela phanḑa ha pfanelo, maanḑa, ndivhanele na mishumo ya dzibodo;
- (4) u vhetshela uri komiti ya bodo i ḑo, hu sa tevhedzwi mbetshelo dza khethekanyo 17, u sa shumisa kana u bvela phanḑa na pfanelo, maanḑa, ndivhanele kana mishumo ufhio na ufhio wo newaho kana u hweswa nga bodo hu tshi tevhedzwa mbetshelo dza uyu Mulayo kana ndaulo yo itwa-ho heneho fhasi;
- (5) ta uri bodo ifhio na ifhio kana komiti i ḑo, hu na thendelano na Muraḑo wa Khorotshitumbe a re na vhuḑifhinduleli, i ḑanganywe na inwe bodo ifhio na ifhio kana komiti ine ya nga thomiwa nga muḑiwe mulayo ufhio na ufhio nahone wa vheya maitele a uho u shuma kavhili; kana
- (6) nga u angaredza malugana na oḑhe mafhungo ane ene a a dzhiya e a ndeme kana mahulu kha u bveledza ndivho dza iyi Ndimu.

NDIMA IV**FORAMU YA VHUKWAMANI YA MUTAKALO YA VUNDU****U thomiwa ha Foramu ya Vhukwamani ya Mutakalo ya Vundu****26. Muraḑo u thoma Foramu ya Vhukwamani ya Mutakalo ya Vundu.****Mbumbo ya Foramu****27. Vhuraḑo ha Foramu vhu ḑo vhumbwa nga—**

- (1) Muraḑo a re kha vhuimo ha Mudzulatshidulo;
- (2) Ṱhoho ya Muhasho;
- (3) Ṱhoho ya Davhi a re na vhuḑifhinduleli ha tshumelo dza mutakalo;
- (4) Ṱhoho ya Davhi a re na vhuḑifhinduleli ha Gwama na Ndaulo;
- (5) Mudzulatshidulo wa Vhulaedzwa ha Mutakalo ha TshiṰiriki muḑiwe na muḑiwe;
- (6) Muimeleli muthihi wa dzangano la Phurofesheni li elanaho na Mutakalo ane tshiimo tshawe tsha themedelwa nga Muraḑo;

- (7) Muimeleli muthihi wa dzangano la Vhashumi liñwe na liñwe line la tendelwa kha Khoro ya Muganyo (Bargain) ya Vundu; na
- (8) Zwi tshi ya nga themendelo ya Mulangadzulo wa Vhusimamilayo, Muraḁo muthihi wa Komiti yo Imaho a re na vhuḁifhinduleli na zwa mutakalo.

Ndalukano dza Miraḁo

28. Maga a re kha khethaknyo 14 a ḁo shuma *mutatis mutandis*.

Tshifhinga tsha Ofisi tsha miraḁo

29. Maga a re kha khethekanyo 14 a ḁo shuma *mutatis mutandis* malugana na miraḁo yo bulwaho kha Dzikhethekanyo 27(6) na (7).

Miḁangano

30. (1) Foramu i ḁangana luraru zwawo nga ṁwaha.
- (2) Muraḁo a nga vhetshela miḁangano ya nyengedzedzo kha dzindaulo.
- (3) Mbetshelo dza khethekanyo 23(1) dzi ḁo shuma malugana na maambiwa.

Dzikomiti

31. Muraḁo a nga vhumba dzikomiti dza foramu nahone a nga langula mafhungo afhio na afhio a elanalo na idzo komiti.

Mishumo

32. (1) Foramu i ḁo eletshedza Muraḁo—
 - (a) nga ha mvelaphanḁa ya mbekanyamaitele, na u thomiwa ha tshumelo dza ndondolo;
 - (b) nga ha nyambedzano ya mbekanyamaitele a mutakalo, na mafhungo a elanaho na mutakalo, na vathu, na
 - (c) u nanigwa ha Vhulaedzwa ha Mutakalo ha Tshitiriki na dziñwe bodo kha Muraḁo; na
 - (d) nga ha mañwe mafhungo afhio na afhio ane ene a nga laedza Foramu.

Dzindaulo

33. Muraḁo a nga ita dzindaulo—
 - (1) malugana na mafhungo oṁhe ane ene a a dzhia e a ndeme kha u bveledza ndivho dza iyi Ndimu;
 - (2) u ta uri Foramu kana komiti ifhio na ifhio ya Foramu i nga, hu na thendelano na Muraḁo a re na vhuḁifhinduleli na khorotshitumbe, i tshi dzhoiniwa nga iñwe Foramu kana komiti ine ya nga thomiwa nga muñwe mulayo ufhio na ufhio.

NDIMA V

U TANGANEDZWA NA U THATHUVHIWA HA VHALWADZE

Mushumo wa u tangedza vhalwadze

34. Hu tshi tevhedzwa mbetshelo dza khethekanyo 37, mulanguli muñwe na muñwe u tea u tangedza u itela u thathuvhiwa kana kha tshumelo ya mutakalo ifhio na ifhio nga thogomelo yawe, u ya nga ha u vha hone ha vhudzulo ho teaho, vathu vhane vha khou tambula nga kana u ya nga vhalwadze mafuvhalo kana maimela a thathuvho ye iyo tshumelo ya mutakalo kana tshishumiswa zwa thomelwa zwone.

Khethekanyo ya Vhalwadze

35. (1) Hu tshi tevhedzwa khethekanyo 36, muthu muñwe na muñwe u do, musi khumbelo yo itwa nga u tangedza hawe ha tshumelo ya mutakalo kana tshishumiswa kana nga u tshanyedza nga murahu ha heneho, hu do khethekanyo nga mulanguli kana muñwe muofisiri o laedzwaho malugana na dzindaulo dzo itwaho hu tshi tevhedzwa khethekanyo 41.

(2) U itela ndivho ya khethekanyothukhu (1) mulangi, kana muñwe muofisiri o laedzwaho, a nga toda uho vhuñanzi kana mañwalo sa zwine zwi nga vha zwa ndeme, kana zwi nga randelwa kha ndaulo ifhio na ifhio yo itwaho hu tshi tevhedzwa khethekanyo 41. Nga nda ha musi, nga kha muhumbulo wa mulangi kana uyo muñwe muofisiri, thathuvho i nga si fhiriswe nga nda ha khombo kana zwidamurahu zwi dinaho kha uyo muthu o laedzwaho iyo khethekanyothukhu, onoyo muthu ha nga do tangedza sa mulwadze kha inwe ya tshumelo dza mutakalo kana tshishumiswa kana u wana thathuvho nga nda ha musi uho vhuñanzi kana linwalo zwo swikiswa nga, kana ho imelwa, uyo muthu, kana nga nda ha musi, hu tshi tevhedzwa mbetshelo dza ndaulo ifhio na ifhio, mulangi kana muofisiri nga inwe ndila o fushea nga khethekanyo ine uyo muthu a wela khayi hu tshi tevhedzwa khethekanyothukhu (1).

(3) Muthu ufho na ufho ane a, u itela ndivho dza khethekanyothukhu (2), a tshi zwi qivha kana o diimisela a netshedza vhuñanzi vhufo na vhufo kana linwalo zwine zwa vha mazwifhi, vhu si ha ngoho kana vhu xedzaho u do vha na mulandu wa vukhakhi nahone a do tewa nga tshigwevho tshine magumo atsho a vhewa nwa nga nwa Mufaragwama nahone zwa kanjiswa ka *Gazete ya Vundu*, kana u fhura mbadelo, u dzula dzhele lwa tshifhinga tshi sa fhirho minwedzi miraru.

(4) (a) Muthu ufho na ufho o laedzwaho kha khethekanyothukhu (1) kana muthu ane a khou shuma o mu imela, we a tungufhadzwa nga kha khethekanyo ifhio na ifhio ye ya itwa hu tshi tevhedzwa khethekanyothukhu (1) kana ndaulo ye ya itwa hu tshi tevhedzwa khethekanyo 41, a nga ita khwelelo kha bodo i re na vhuqifhinduleli ha tshumelo ya mutakalo kana tshishumiswa tshi kwameaho nga khethekanyo kana ndovhololo ya khethekanyo nahone muhumbulo/phetho ya iyo bodo i do vha magumo.

(c) Arali khumbelo ya khatulo yo itwa hu tshi tevhedzwa phara (a) yo fareledzwa nga bodo, muthu we iyo khethekanyo kana ndovhololo ya khethekanyo ya vha yo itwa malugana nae u do dovholoswa u khethekanyo zwi tshi ya nga phetho ya bodo u bva deithi ye iyo khatulo ya swikiswa: Tenda ha vha uri arali muthu ufho na ufho a humbela

khaṭhulo malugana na u dovhololwa ha khethekanyo zwi yelana na ndaulo ifhio na ifhio yo itwaho hu tshi tevhedzwa khethekanyo 41(1)(d), nahone iyo khumbelo ya khaṭhulo ya fariwa, tsheo ya bodo i ḡo thoma u shuma u bva nga deithi ya u thoma u khethekanyiwa ha uyo muthu.

Dziṅwe kilasi dza vhathu dzi ḡo khethekanyiwa sa vhalwadze vha phuraivethe

36. (1) Muthu ufhio na ufhio ane a ṭanganedza ṭhaṭhuvho kha, kana u bva kha tshumelo ya mutakalo kana tshishumiswa u ḡo khethekanywa sa mulwadze wa phuraivethe—

- (a) arali ene a wana iyo ṭhaṭhuvho zwi tshi khou bva kha khombo kana fuvhalo malugana na hune thuso ya mishonga, sa zwo ṭandavhudzwaho kha khethekanyo (2) ya Mulayo wa Ndiliso ya Malwadze na Mafuvhalo a musu muthu e mushumoni, 1993 (Mulayo No. 30 wa 1993), hu tshi tevhedzwa uyo Mulayo, u tshi badelwa nga kana ho tiwa uri hu ḡo badelwa Khomishinari wa Ndiliso ya Vhashumi kana nga Mutholi; kana
- (b) arali ene e muraḡo wa mmbi ya vhupileli ya liṅwe shango nga nḡa ha Riphabuliki ya Afrika Tshipembe; kana
- (c) arali ene nga maanḡa a mutholi wawe kha tshumelo ya muhasho ufhio na ufhio wa Muvhuso kha Riphabuliki ya muvhuso ufhio na ufhio wa nḡa kana a tshi ḡitika nga muthu muṅwe ufhio na ufhio o tholiwaho, a tshi tewa nga u alafhiwa ndifhio i tshi ḡo itwa nga uyo muhasho kana muvhuso; kana
- (d) arali ene kana a tshi wela kha iṅwe kilasi ye Muraḡo nga nḡivhadzo kha *Gazete ya Vundu*, a bula u vha i sa tei u alafhiwa nga kha mbadelo dzo tsitswaho; kana
- (e) arali ene kana ene e muraḡo o redzhisiṭariwaho (kana muundwa) wa tshiṅwe tshikimu tsha mishonga kana tshikwama tsha mbuelo tsho redzhisiṭariwaho hu tshi tevhedzwa muṅwe mulayo ufhio na ufhio; kana
- (f) arali ene kana a tshi hola u fhira ane a tiwa tshifhinga na tshifhinga nga Muraḡo nahone a kandiswa kha *Gazete ya Vundu* kana u undwa nga muṅwe muthu.

(2) U itela ndivho dza phara (c) ya khethekanyoṭhukhu (1) mbuletshedzo "muhasho ufhio na ufhio wa muvhuso" zwi ḡo katela Mmbi, sa zwo ṭaluswaho kha khethekanyo 1 ya Mulayo wa Tshipholisa, 1958 (Mulayo No. 7 wa 1958), na Tshumelo ya Dzidzhele, yo thomiwaho nga khethekanyo 2 ya Mulayo wa Dzidzhele, 1959 (Mulayo No. 8 wa 1959).

Mutevhe wa u ṭanganedzwa ha vhalwadze

37. Vhathu vhoṭhe vha ḡo ṭanganedzwa kha tshumelo ya mutakalo kana tshishumiswa u ya nga vhuhulu ha ṭhoḡea dzavho dza u ṭhaṭhuvhiwa sa zwo tiwaho nga muofisiri wa mishonga a re mushumoni kana uyo muṅwe muofisiri sa zwine a nga laedzwa u shuma o imela ene nahone nga uho u tevhekana sa zwine uyo muofisiri wa mishonga kana muṅwe muofisiri a nga laedza.

U alafhiwa ha Vhalwadze

38. (1) Muthu ufhiu na ufhiu u do alafhiwa kha tshumelo ya mutakalo kana tshishumiswa nga nanga, kana mupuraktishina muñwe ufhiu na ufhiu a re mushumoni nahone e kha tshumelo ya tshumelo ya mutakalo kana tshiimiswa tshi kwameaho: Tenda ha vha uri—

- (a) he uyo mulwadze a huvhala kha khombo yo itiswaho nga kana i tshi bva kha u reilwa ha tshiendedzi sa zwo bulwaho kha Mulayo wa Tshikwama tsha Dzikhombo dza Badani, 1996 (Mulayo 56 wa 1996); kana
- (b) hune uyo mulwadze a vha muraḁo kana o ḁiñwalisa nga kha Medikhala Aid, kana
- (c) hune uyo mulwadze a khou badela mbadelo dzo fhelelaho dza ndondolo yawe,

ene a nga alafhiwa nga dokotela wa Phurivethe arali ene a nga humbela.

(2) Ndaulo a i nga do vha na vhuḁifhinduleli ha mbadelo dzifhio na dzifhio dzine dza vha hone dzo itwaho nga mulwadze ufhiu na ufhiu kana nga muphuraktishina wa phuraivethe we a laedzwa hu tshi tevhedzwa khethekanyo 40 u shumisa izwo zwishumiswa zwa muvhuso.

U alafhiwa ha vhalwadze vha phuraivethe kana vhalwedze vha badelaho mbadelo dzothe sa vhalwadze vha nḁa

38. Mbadelo dzo randelwaho hu tshi tevhedzwa khethekanyo 41(1)(f) dzi do badelwa u itela u alafhiwa ha muthu kha tshumelo ya mutakalo kana tshishumiswa kana e mulwadze wa ngomu kana e mulwadze wa nḁa: Tenda ha vha huuri Muraḁo a nga vhofoholola tshoṱhe kana tshipiḁa muthu ufhiu na ufhiu kana kilasi kana tshigwada tsha vathu kha u badela idzo mbadelo.

U alafhiwa ha vhalwadze vha phuraivethe nga mupuraktishina wa phuraivethe kha tshumelo dza mutakalo na zwishumiswa

40. (1) Mupuraktishina wa phuraivethe a nga ita khumbelo nga u tou nḁwala kha mulangi ya u humbela thendelo ya u alafhela vhalwadze vhawe vha phuraivethe kha tshumelo ya mutakalo kana tshishumiswa nahone uyo mupuraktishina ha nga do alafha muñwe ufhiu na ufhiu wa avho vhalwadze u swika iyo thendelo yo no nḁewa: Tenda ha vha uri uyo mupuraktishina wa phuraivethe o tenda nga u tou nḁwala—

- (a) u ima na milayo na dzindaulo dzi shumaho kha tshumelo ya mutakalo kana tshishumiswa; na
- (b) u netshedza iyo tshumelo ya tshifhinga tshi si tsha tshoṱhe kha tshiimiswa kana kha tshumelo ya mutakalo sa zwine Ṱhoho ya Muhasho a nga ta nga kha uyo muholo sa zwo tiwaho nga Khomishini ya Tshumelo ya Vathu.

(2) Ṱhoho ya Muhasho a nga vhea maimela a uri iyo thendelo i do shuma malugana na tshipiḁa tsho buliwaho tsha tshumelo dza mutakalo dza Vundu u itela khumbelo ye ya itwa.

(3) Mupuraktishina wa phuraivethe a nga humbela khaṭhulo kha Muraḡo malugana na u hana ha Ṭhoho ya Muhasho u ṅea thendelo hu tshi tevhedzwa khethekanyoṭhukhu (1) kana malugana na u vhewa ha maimela hu tshi tevhedzwa khethekanyoṭhukhu (2). Muraḡo u ḡo ṅea phetho nga murahu ha u thetshesela vupfiwa vhu bvaho kha zwigwada zwoṭhe.

(4) Thendelo ifhio na ifhio yo ṅewaho hu tshi tevhedzwa khethekanyoṭhukhu (1) kana (3) na maimela o vhwaho hu tshi tevhedzwa khethekanyoṭhukhu (2) kana (3), dzi nga humiswa, u khwiniswa kana u shandukiswa nga Muraḡo nga kha maanḡa awe.

(5) Hune Ṭhoho ya Muhasho a tendela uri Muraḡo a nga shumisa maanḡa afhio na afhio o laedzwaho kha khethekanyoṭhukhu (4), ene a nga imisa thendelo yo ṅewaho hu tshi tevhedzwa khethekanyoṭhukhu (1) kana (3), zwi tshi bva kha Phetho ya Muraḡo hu tshi yiwa nga khethekanyoṭhukhu (4) nahone musi zwo ralo u ḡo eletshedza mupurakitishina wa Phuraivethe a kwameaho nga ṅila yo teaho.

(6) Arali thendelo yo hanelwa kana arali maimela o vhewa hu tshi tevhedzwa khethekanyoṭhukhu (1), (2) kana (3), sa zwine zwa nga vhisa zwone, kana arali thendelo, kana maimela zwo humisiwa, u khwiniswa, kana u shandukisiwa hu tshi tevhedzwa khethekanyoṭhukhu (4), mupuraktishina a kwameaho a nga ita hafhu khumbelo hu tshi tevhedzwa khethekanyoṭhukhu (1) nga murahu ha u fhela ha tshifhinga tsha miṅwedzi miṭanu na muthihi u bva deithi ye iyo thendelo ya ṅewa, khwiniswa kana u shandukisiwa, nahone mbetshelo dza iyi khethekanyo dzi ḡo shuma *mutatis mutandis* kha iyo khumbelo ntswa.

Dzindaulo

41. (1) Muraḡo a nga ita dzindaulo kha mafhungo afhio na afhio a tevhelaho:

- (a) U ṭanganedzwa ha dzilafho, ndondolo na u vhoḡholowa ha vhalwadze;
- (b) u randela ṅila ine khethekanyo hu tshi tevhedzwa khethekanyo 35(1) ya ḡo itwa na milayo na ndingo dzine dza ḡo shumiswa kha ilo sia. Milayo yo fhambanaho na dzindingo zwi nga shumiswa malugana na vhalwadze vha ngomu na vhalwadze vha ṅḡa;
- (c) ṅisedzo ya u dovholola u khethekanya mulwadze ufhio na ufhio tshifhingani tshiṅwe na tshiṅwe tsha u alafhiwa u bva nga deithi ya khumbelo ya uho u dovholoswa u khethekanyiwa;
- (d) ṅisedzo, hu tshi tevhedzwa mbetshelo dza khethekanyo 35(4)(b) ya khakhululo ya vhukhaxhi vhufhio na vhufhio ho iteaho kha u khethekanya;
- (e) u itwa ha khumbelo ya khaṭhulo hu tshi tevhedzwa khethekanyo 36(4), tsedzuluso ya iyo khumbelo ya khaṭhulo, maitshimbidzele ane a tea u tevhedzwa na u vhetshela mafhungo maṅwe afhio na afhio a elanaho na iyo khumbelo ya khaṭhulo, hu tshi katelwa na khethekanyo ya tshifhinganyana malugana na muthu we iyo khumbelo ya khaṭhulo ya itelwa, zwi tshi ya nga tsedzuluso yayo;
- (f) randela mbadelo dza u alafhiwa ha muthu kha tshumelo ya mutakalo kana e mulwadze wa ngomu kana mulwadze wa ṅḡa;

- (g) ndondolo ya mulalo, vhuḡifari, na vhudele vhukatini ha vhalwadze vha tshumelo ya mutakalo kana tshishumiswa;
- (h) randela pfanelo na vhuḡalu ha vhapuraktishina vha phuraivethe na maimela ane avho vhapuraktishina vha nga ṭola kana u swikela kha vhalwadze kha tshumelo dza mutakalo kana zwishumiswa, kana u vha na thendelo ya u swikela kha dzirekhode dza miladu kana mbuelo dza tsedzuluso ifhio malugana na mulwadze we nga itsho tshifhinga tsha u ṭanganedzwa kha tshumelo ya muakalo ya Vundu a vha e mulwadze wa uyo mupuraktishina; na
- (i) nga u angaredza malugana na mafhugo oṭhe ane ene a a dzhiya e a ndeme kha u swikela ndivho dza iyi Ndimba.

(2) Kha u ita ndaulo ifhio na ifhio malugana na phara (a), (f), (g), (h), kana (i). Muraḡo a nga ita ndaulo dzo fhambanaho malugana na tshumelo dza mutakalo kana zwishumiswa zwo fhambanaho.

NDIMA VI

TSHIṬAFU

Phiriso, phuromosheni, na vhurumelwa ha tshifhinganyana

42. (1) Muthu ufhio na ufhio a re kha tshumelo ya Muhasho a nga fhiriswa kana u aluswelwa kha iyo poswo sa zwine Muraḡo a nga ta: Tenda ha vha hu uri muofisiri ha nga ḡo fhiriswa u bva kha iṇwe poswo u ya kha iṇwe arali uho u fhiriswa hu tshi kwama u fhungudzwa ha kana malamba awe a phensheni sa zwo ṭangavhudzwaho kha dzi-ndaulo hu tshi tevhedzwa mbethelo dza Mulayo wa Phensheni wa Tshumelo ya Muvhuso, 1973 (Mulayo 57 wa 1973), nga nṇḡa ha musi iyo phiriso yo bvelela nga khumbelo nahone nga thendelo ya uyo muofisiri.

(2) Nga thendelo ya Ṭhoho ya Muhasho, nahone nga murahu ha vhukwamani na muthu a kwameaho, muthu a re kha tshumelo ya Muhasho a nga rumelwa lwa tshifhinganyana u bva kha tshumelo ifhio na ifhio ya mutakalo kana tshishumiswa tsho thomiwaho hu tshi tevhedzwa khethekanyo 2 kha vhupo vhuṇwe vhufhio na vhufhio ha tshumelo ya mutakalo kana tshishumiswa kana kha ndaulo yoṭhe ya khethekanyo ya Muhasho kana lwa tshifhinga tsho bulwaho kana u itela iṇwe tshumelo.

(3) Ṭhoho ya Muhasho i nga humbela muofisiri ufhio na ufhio lwa tshifhinganyana u ita mishumo miṇwe nga nṇḡa ha iyo mishumo zwayo ye ya ṇewa uyo muofisiri kana i teaho gireidi, vhuimo ha poswo yawe tenda ha vha uri uyo muofisiri u a kona u ita iyo mishumo.

Kopi ya matshimbidzele a u sa vha na vhuqifari i qo swikiswa kha bodo ya Phurofesheni kana Khoro ye muofisiri a redzhisiṭara khayoy

43. Arali muofisiri ufho na ufho ane a khou ṭoḍa u redzhisiṭara sa mupuraktishina o wanala mulandu wa u sa qifara hu tshi tevhedzwa khethekanyo 23 ya Mulayo wa Tshumelo ya Vhathu, 1994 (Mulevho 103 wa 1994), kopi yo ṭanzielwaho ya ayo mawaṅwa i qo rumelwa kha Bodo kana Khoro ine uyo muofisiri a vha o redzhisiṭariwa khayoy.

U tholwa ha vhaofisiri vha khuliso kana mushumi wa u qiiimisela

44. (1) Ṭhoho ya Muhasho i nga, malugana na tshishumiswa tsha tshumelo ya mutakalo kana tshiimisiwa tsho thomiwaho hu tshi tevhedzwa khethekanyo 2, a thola uyo muofisiri wa Khuliso na Vhashumi vha u qiiimisela sa zwine ene a vhona zwi zwa ndeme.

(2) Iyi Ndim a i nga shumi kha muofisiri ufho na ufho wa Khuliso kana Mushumi wa u qiiimisela o tholwaho hu tshi tevhedzwa khethekanyoṭhukhu (1), fhedzi Ṭhoho ya Muhasho a nga ta maimela a u tholwa ha uyo muofisiri kana mushumi nahone u qo ele-tshedza uho muofisiri kana mushumi zwavhuqi.

NDIMA VII

VHUPO HA PFUNZO YA NDONDOLO YA MUTA KALO

Dzangano la tshumelo ya Vundu na tshishumiswa na Yunivesithi, Dzithekhenikona na Magudedzi a u itela vhugudisi

45. (1) Muraḍo a nga khwaṭhisedza uri tshumelo ya mutakalo (kha iyi Ndim a i qo vhidzwa sa Vhupo ha Vhugudisi ha Ndondolo ya Mutakalo) vhu nga aṅanyiwa na Yunivesithi, Thekhenikhoni kana gudedzi line la vha na sia la vhugudisi ha mishonga, zwa maṅo kana saintsi dza zwa mutakalo, u itela iyo mishumo ya akademi afho kha Vhupo ha Vhugudisi ha Ndondolo ya Mutakalo kha matshudeni a re kha ilo sia.

(2) U itela muhumbulo wa iyi Ndim a maipfi "mushonga" na "tshumelo dza mishonga" a qo katela "tshumelo dza mutakalo" na "tshumelo dza vhunese" khathihi.

(3) Muraḍo a nga dzhenelela kha thendelo i re mulayoni na ifho na ifho ya Yunivesithi, thekhenikhoni, kana Kholedzhi hune u tholwa ho ṭangelanaho ha khou itea.

Zwikhala zwa u funza kha tshishumiswa tsha tshumelo dza mutakalo zwa Pfunzo

46. (1) Hu tshi tevhedzwa mbetshelo dza iyi Ndim a, Muraḍo a nga thola kha poswo yo tendelwaho kha u thomiwa ha tshumelo ya mutakalo kana tshishumiswa tshine ene a, e na vhukwamani na Yunivesithi i kwameaho, a bula sa poswo ya u funza, nahone uho u tholwa hu qo vhidzwa u pfi u tholwa ho ṭangelanaho.

(2) (a) A huna muthu ane a ɔo tholwa hu tshi tevhedzwa khethekanyo 1 (1) nga nɔa ha musi Muraɔo na Yunivesithi, thekhenikhoni kana kholidzhi vho tendelana kha—

- (i) muthu a no ɔo tholwa;
- (ii) muholo na malamba ane a ɔo holelwa uyo muthu;
- (iii) masheleni ane a ɔo bviswa nga Yunivesithi malugana na uyo muholo na malamba; na
- (iv) maimele a u tholwa na tshumelo dza uyo muthu.

(b) Arali Muraɔo na Yunivesithi, thekhenikhoni, kana kholidzhi i kwameaho zwi sa tendelani sa zwo bulwaho kha phara (a), Muraɔo a nga ta poswo yeneyo u sa vha poswo ya muɔanganelano.

(3) Muthu ufho na ufho o tholwaho hu tshi tevhedzwa khethekanyo 1 (1), u ɔo—

- (a) ɔea vhugudisi kha tshumelo ya mutakalo kana tshishumiswa tshe ene a tholwa khatsho na kha Yunivesithi, thekhenikhoni kana kholidzhi i kwamanyiwaho heneho na matshudeni kha sia vhugudi la mushonga, zwa maɔo kana dziɔwe saintsi dza mutakalo hu tshi engedzedzwa kha u ɔetshedza tshumelo kha vhathu;
- (b) u shuma kha tshiimo tsha u eletshedza na vhukwamani nga u angaredza malugana na tshumelo dza phurofesheni dzi ɔetshedzwaho nga iyo tshumelo ya mutakalo kana tshishumiswa kana nga iɔwe tshumelo ya mutakalo, tshishumiswa tshifho na tshifho kana tshiimiswa tsho thomiwaho hu tshi tevhedzwa khethekanyo 2; na
- (c) u ita iyo miɔwe mishumo sa zwine ha nga tendelaniwa zwone vhukati ha Muraɔo na Yunivesithi, thekhenikhoni kana Kholedzhi nga tshifhinga tsha uyo u tholwa kana nga murahu heneho.

Zwikhala zwa u funza zwa khonɔiraka

47. Muraɔo a nga, murahu ha u tendelana na Yunivesithi, thekhenikhoni kana kholidzhi i kwameaho, a ita u thola ha u funza sa zwo laedzwaho kha khethekanyo 46(1) zwi vhe kha khonɔiraka lwa itsho tshifhinga nahone hu tshi yiwa nga ayo maimele a u tholwa na tshumelo sa zwine ha nga tendelaniwa khazwo.

U swikelela kha zwishumiswa zwa tshumelo ya Mutakalo ya Phesonele ya Yunivesithi vha so ngo faraho mishumo ya muɔanganelano

48. (1) Yunivesithi, thekhenikhoni kana kholedzhi i nga ri tshifhinga tshiɔwe na tshiɔwe ya ita khumbelo kha muaɔo ya thendelo ya muthu a re kha tshiɔafu tsha iyo Yunivesithi, thekhenikhoni kana kholedzhi nahone a siho kha u tholwa ha muɔanganelano hu tshi tevhedzwa khethekanyo 46(1) kana hu tshi tevhedzwa khethekanyo 47 a ɔewa thendelo ya u swikelela tshumelo ya mutakalo ya Vundu kana tshishumiswa u itela muhumbulo wa u funza na u ɔea vhugudisi mathudeni kha sia la mishonga, zwa maɔo kana iɔwe sia kha iyo Yunivesithi, thekhenikhoni kana kholedzhi: Tenda ha vha uri vha nga vheya ayo maimele sa zwine ene a vhona zwo tea, hu tshi katelwa na maimele a uri iyo thendelo i ɔo shuma fhedzi malugana na tshipiɔa tsho bulwaho tsha tshumelo dza mutakalo dza vundu malugana na he khumbelo ya itelwa hone.

(2) Thendelo ifhio na ifhio yo newaho kana maimela o vnewaho hu tshi tevhedzwa khethekanyothukhu (1) i nga humiselwa murahu, khwiniswa kana u shandukiswa nga Muraḁo.

(3) Yunivesithi, thekhenikhoni kana kholedzhi yo laedzwaho kha khetheka-nyothukhu (1) i nga ri tshifhinga tshifhio na tshifhio ya—

(a) vusuludza khumbelo ya thendelo ye ya vha yo haniwa hu tshi tevhedzwa khethekanyothukhu (1) kana u humiswa hu tshi tevhedzwa khethekanyothukhu (2); kana

(b) humbela u sudzuluswa kana tshandukiso ya maimela afhio na afhio e a vnewa hu tshi tevhedzwa khethekanyothukhu (1) kana (2), sa zwine zwa nga vhisa zwone.

U hanelwa u swikelela kha Yunivesithi, thekhenikhoni kana kholidzhi ya matshudeni.

49. Muraḁo a nga hanela mutshudeni a re kha sia la u guda la mishonga, zwa maḁo kana liḁwe sia Yunivesithi, Thekhenikhoni kana Kholidzhi u swikelela kha tshumelo ya mutakalo kana tshishumiswa kana tshipiḁa heneḁho sa maga a ndaḁiso, kana a nga nea thendelo ya u swikelela hu tshi tevhedzwa ayo maimela sa zwine ene a nga vhona zwo tea. Mutshudeni o iledzwaho kha aya maitele a nga ita khumbelo ya khathulo kha Muraḁo ane a nga fara, humisa, u shandukisa kana u khwinisa muhumbulo wawe.

Dzindaulo

50. Muraḁo a nga, nga murahu ha u kwamana na Yunivesithi, thekhenikhoni kana kholedzi i kwameaho, ita dzindaulo malugana na mafhungo oḁhe ane ene a nga a vhona o tea kha u swikela ndivho dza iyi Ndima.

NDIMA VIII

ZWISHUMISWA ZWA TSHUMELO DZA MUTAKALO DZA PHURAIVETHE

Zwishumiswa zwa mutakalo zwa phuraivethe na u newa ha thuso idzo tshumelo dza mutakalo na zwishumiswa

51. (1) U bva nga deithi ine ya ḁo vnewa nga Muraḁo nga ndivhadzo kha *Gazethe ya Vundu*, a hu na tshishumiswa tsha mutakalo tsha Vundu tshine tsha ḁo thomiwa, u engedzedzwa, u itwa kana u londotwa nga nḁa ha musi tsho redzhisiḁariwa hu tshi yiwa nga idzo ndaulo sa zwine Muraḁo a nga ita. Kha ndaulo idzo mbetshelo dzi nga itwa u itela maimela ane khao uho u redzhisiḁariwa ha nga humiswa.

(2) Muthu ufho na ufho ane a nga thoma, engedza, u ita kana u londota, kana u thusa kha u thoma, u engedza, u ita kana u londota tshishumiswa tsha mutakalo tsha phuraivethe zwi tshi hanedzana na mbetshelo dza khethekanyothukhu (1), u do vha na mulandu wa vhukhakhi nahone a tewa nga faini ine mbadelo ya hone ya do kandiswa kha *Gazethe ya Vundu*, kana kha u ita mbadelo, nga u dzula dzhele lwa tshifhinga tshi sa fhi-riho miwedzi ya 12 kana zwothe iyo faini na uho u dzula dzhele.

(3) Murafo a nga ri nga kha ayo maimela sa zwine zwa vhone zwo tea a bvisa tshumelo ya mutakalo ya phuraivethe ifho na ifho kana tshishumiswa u bva mbetshelo dza khethekanyothukhu (1).

(4) Murafo a nga ri, u bva kha tshelade dzo avhelwaho u itela uyo muhumbulo nga Vhusimamilayo ha Vundu a ita mphomali ya thuso kha idzo tshelade sa dzine dza vhone dzo tea kha tshumelo ya mutakalo ya phuraivethe kana tshishumiswa tshine tsha netshedza tshumelo u itela vhalwadze vha si vha phuraivethe.

(5) Murafo, kha u ita mphomali ya thuso ifho na ifho hu tshi tevhezwa khethekanyothukhu (4), a nga vhea ayo maimela na u vhea idzo thodea sa zwine zwa nga dzhiwa zwo tea, hu tshi katelwa na thodea ya uri muimeleli wa Murafo u do nangiwa kha bodo ya Vhalangi kana u fana na tshivhili tsha tshumelo ya mutakalo ya phuraivethe kana tshishumiswa tshi kwameaho.

(6) (a) Muolambalelano wa Vundu kana muthu ufho na ufho o laedzwaho heneho u do tola dzibugu, mbalelano kana dzirekhode dza tshumelo ya mutakalo ya phuraivethe a tshi wana mphomali ya thuso yo laedzwaho kha khethekanyothukhu (4).

(b) Iyo tshumelo ya mutakalo ya phuraivethe kana tshishumiswa i do vha na vhuṭanzi uri bugu dzothe, zwitatamennde zwa mbalelano, voutshara na ayo manwe manwalo na mabambiri sa zwine zwa nga todiwa tshifhinganani tsha u tolwa ha mbalelano, zwo vheva phanda ha Muolambalelano wa Vundu kana muthu o laedzwaho hu tshi tevhezwa phara (a).

(c) Muolambalelano wa vundu u do nea Ndaulo muvhigo nga u tou nṱwala nahone u do nea vhuṭanzi kha nṱwaha muṱwe na muṱwe wa Muvhalelano kana hai kana—

- (i) malugana na iyo tshumelo ya mutakalo ya phuraivethe kana tshishumiswa bugu dzo teaho na rekhodo dzo vhlungwaho;
- (ii) tari (bambiri) la ndinganyiso na tshitatamennde tsha mbalelano dza iyo tshumelo ya mutakalo ya phuraivethe kana tshishumiswa na tsha mvelele dza mirengelano ya itsho tshifhinga tshi kwameaho;
- (iii) mbetshelo dza iyi Ndimba dzo imiwa nadzo; na
- (iv) thodea dzothe na themendelo dzo imiwa nadzo.

(7) Bodo ya Vhalangi ya tshumelo ya mutakalo inwe na inwe kana tshishumiswa kha u tṱangedza ha mphomali ya thuso yo bulwaho kha khethekanyothukhu (4), i do ri vhuṱatini ha miwedzi miraru nga murahu ha u vala ha nṱwaha wavho wa muvhalelano, nea murafo muvhigo nga ha kushumele kwa iyo tshumelo ya mutakalo ya phuraivethe kana tshishumiswa tshifhinganani tsha nṱwaha wa muvhalelano.

(8) Thanganyelo ya mphomali ya thuso yo bulwaho kha khethekanyothukhu (4), a i nga do fheledzwa u itwa nga nda ha musu Mutolambalelano wa vundu o no disa mivhigo yo laedzwaho kha khethekanyothukhu (6)(c) Tenda ha vha uri ho lindelwa uho u tiwa ha u fhedza ha mphomali ya thuso, Muraḁo a nga, hu tshi tevhedzwa mbetshelo dza khethekanyothukhu (11), ita mphomali ya mbetshelo kha tshumelo ya mutakalo ya phuraivete kana tshishumiswa tshi kwameaho nga iyo thanganyelo sa zwine a nga ta.

(9) Araili—

- (a) tshishumiswa tsha tshumelo ya mutakalo tsha phuraivete tshi tshi tšanganedza mphomali ya thuso yo bulwaho kha khethekanyothukhu (4), yo kundelwa u ima na maimela o vhwaho kana thodea yo vhwaho hu tshi tevhedzwa khethekanyothukhu (5);
- (b) mphomali ya tshumelo ya tshede i so ngo shumiselwa iyo tshumelo vhuakatini ha tshifhinga tshi pfadzaho sa zwo tiwaho nga muraḁo; kana
- (c) mphomali ya thuso yo itwa yo fhira izwo zwo bulwaho kha khethekanyothukhu (8),

muraḁo a nga dzhiya ayo maga sa zwine zwa nga vha zwa ndeme kha u wana murahu iyo mphomali ya thuso kana itsho tshipiḁa kana mphomali ya thuso ya vundu yo bulwaho kha khethekanyothukhu (8) ho tevhedzwa zwothe zwiitisi zwa mulandu.

(10) Tshifhinganani tsha phambano ine ya nga bveledzwa kha u shumiswa ha maanda o hweswaho Muraḁo nga iyi khethekanyo na maanda o hweswaho muvhuso wapo hu tshi tevhedzwa muḁwe mulayo ufho na ufho, maanda o shumiswaho nga Muraḁo a do dzula e one.

(11) Muraḁo a nga ri nga ndaulo yo vhetshelwaho u itela tsedzuluso ya tshumelo ya mutakalo ya phuraivete kana tshishumiswa nga kana ho imelwa Thoho ya Muhasho.

NDIMA YA IX

NYANGAREDZO

Nḁisedzo ya thodea dza mishonga; na zwiḁwevho kha dzikililiki dza nda

52. (1) Hu tshi tevhedzwa thendelo ya Mufaragwama, Thoho ya Muhasho a nga isedza hu re tsini nga hune zwa nga konea nga kha mutengo wa mbuelo, zwidzidzivhadzi, zwishumiswa, thodea dza mishonga, pfarwa kana dziḁwe thundu kana tshumelo, londotwa, vhumbiwa, langiwa kana tsho bveledzwaho nga muvhuso wapo ufho na ufho hu tshi tevhedzwa mulayo ufho na ufho kana kha tshumelo ya mutakalo ya phuraivete ifho na ifho kana tshishumiswa hu tshi tšanganedzwa mphomali ya thuso sa zwo bulwaho kha khethekanyo 51 (4) kana kha tshiimiswa kana muthu ane a khou ita tshumelo kana o imela tshishumiswa tsha tshumelo dza mutakalo dza Vundu, malugana na iyo tshumelo.

(2) Tshede ifho na ifho yo tšanganedzwaho nga Thoho ya Muhasho hu tshi tevhedzwa khethekanyothukhu (1) i do shumiselwa murahu kha mbalelano ya mubadeli muhulwane wa muhasho.

U newa ha dzipfanelo, maanḁa, ndivhanele kana mishumo

53. (1) Muraḁo a nga newa pfanelo ifhio na ifhio, maanḁa, ndivhanele kana mishumo, Ṱhoho ya Muhasho nahone a nga laedza Ṱhoho ya Muhasho uri a fhirise idzo pfanelo, maanḁa, ndivhanele kana mishumo kha muthu muṁwe ufhio na ufhio kha tshumelo ya muhasho kana tshiṱiriki sa zwine Muraḁo a nga laedza kana a kundelwa iyo ndaela, sa zwine Ṱhoho ya Muhasho i nga ta: Tenda ha vha uri a hu na iyo pfanelo, maanḁa, ndivhanele kana mishumo une wa ḁo newa Ṱhoho ya Muhasho malugana na mafhungo afhio na afhio arali vhungoho ha muhumbulo heneḁho u khou tewa nga khumbelo ya khaṱhulo kha Muraḁo hu tshi tevhedzwa khethekanyo 40.

(2) Ṱhoho ya Muhasho i nga newa pfanelo dzifhio na dzifhio, maanḁa kana ndivhanele kana mishumo wo hweswaho hu tshi tevhedzwa mbetshelo dza uyu Mulayo kha uyo muṁwe muthu a re kha tshumelo dza tshiṱiriki sa zwine ene a nga ta: Tenda ha vha uri a hu na tsho faredzwaho kha iyi khethekanyo zwi sa ḁo dzhiwa sa zwine Ṱhoho ya Muhasho kha u mu vhoḁholola kha vhuḁifhinduleli he a newa malugana na vhukoni ha ndango na ndaulo ya zwiṱiriki.

Ndaulo ya Vhuendi kha vhuṁwe vhupo

54. Muraḁo u ḁo laula vhuendi kha vhupo ha tshumelo ya mutakalo ifhio na ifhio kana tshishumiswa, kiliniki, kholedzhi kana tshiimiswa tsho thomiwaho hu tshi tevhedzwa khethekanyo 2, nahone a nga—

- (1) ita ndaulo dza u itela u thivhela, u langa na u laula uho vhuendi;
- (2) vhetshela na u londota zwishumiswa zwa u paka kha uho vhupo;
- (3) ta mbadelo dzi no tea u badelwa kha u shumiswa ha zwishumiswa zwa u paka zwo vhetshelwaho hu tshi tevhedzwa khethekanyoṱhukhu (2); na
- (4) dzhena kha thendelano yo tou ṁwalwaho na muthu ufhio na ufhio ya u langa na u laula kushumisele kwa zwishumiswa zwa u paka zwo vhetshelwaho hu tshi tevhedzwa khethekanyoṱhukhu (2) zwi tshi yelana na ndaulo ifhio na ifhio yo itwaho hu tshi tevhedzwa khethekanyoṱhukhu (1) na u badela mithelo yo tiwaho hu tshi tevhedzwa khethekanyoṱhukhu (1).

Dzindaulo

55. (1) Muraḁo a nga ri tshifhinga na tshifhinga a ita dzindaulo dzine ene a vhona dzo tea kha u bveledza ndivho dza uyu Mulayo, hu tshi katelwa na u tiwa ha dzimbadelo dzo itelwaho tshumelo dze dza si vhetshelwe. Dzindaulo dzo fhambanaho dzi nga itwa kha ayo maitele sa zwine Muraḁo a nga ta.

(2) (a) Ndaulo iṁwe na iṁwe yo itwaho hu tshi tevhedzwa uyu Mulayo i ḁo anḁadzwa kha *Gazete ya Vundu* nahone i ḁo ri vhukatini ha maḁuvha a sumbe a ḁuvha la u anḁadzwa heneḁho ya vhewa ṱafulani kha Vhusimamilayo ha Vundu arali Vhusimamilayo ha Vundu ho dzula kana, arali vhu so ngo dzula zwenezwo, vhukatini ha maḁuvha a sumbe a mathomo a dzulo laho li tevhelaho.

(3) Tshifhingani tsha dzulo hune khalo ndaulo inwe na inwe ya vha yo vhewa tafulani phanda ha Vhusimamilayo ha Vundu, Vhusimamilayo vhu nga—

- (i) tendela iyo ndaulo;
- (ii) hanela iyo ndaulo;
- (iii) i humisela murahu kha Murado.

Dzifaini

56. Faini inwe na inwe yo newaho kana tshelede ifhio na ifhio kana mbadelo dzo lozweaho kana yo bulwaho sa yo lozweaho hu tshi tevhedzwa uyu Mulayo kana ndaulo dzo itwaho heneffho fhasi, i do badelwa kha Tshikwama tsha Mbuelo tsha Vundu.

U thuthwa ha milayo na mbulungo

57. Milayo yo bulwaho kha shedulu afha i khou thutha vhulapfu ho bulwaho kha kholomu dza vhuraru heneffho.

(2) Mulevho ufhio na ufhio, ndaulo, ngivhadzo, ndaela, muthivhelo, vhulaedzwa, thendelo, vhuṭanzi kana linwalo lo bviswaho kana vhuṭwe vhukando ho dzhiwaho fhasi ha mbetshelo ya mulayo wo thuthwaho nga khethekanyoṭhukhu (1), i do, arali zwi sa yelani na mbetshelo dza uyu Mulayo, dzhiwa sa yo bviswaho, kana u dzhiwa fhasi ha mbetshelo dzi elanaho dza uyu Mulayo.

Dziṅa Lipfufhi na Mathomo

58. Uyu Mulayo u do pfi Mulayo wa Tshumelo dza Mutakalo wa Vundu la Devhula, 1998, nahone u do thoma u shuma nga deithi yo vhwaho nga Primia nga mulevho kha *Gazethe ya Vundu*.

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 4

1999

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

No. 5 van 1998: Noordelike Provinsie Wet op Gesondheidsdienste, 1998

WET

Vir die konsolidering van wette betreffende gesondheidsdienste en fasiliteite van die Noordelike Provinsie en om voorsiening te maak vir sake insidenteel hiertoe

(Engelse teks deur die Premier onderteken)

(Bekragtiging op 4 Januarie 1999)

Die Provinsiale Wetgewer van die Noordelike Provinsie BEPAAL SOOS VOLG:—

Woordomskrywings

1. In hierdie Wet, word die volgende terme as volg gebruik, tensy andersins aangedui deur die konteks:—

“Administrasie” beteken die Noordelike Provinsiale Administrasie insluitend die Regering van die Noordelike Provinsie;

“binne-pasiënt” beteken ’n pasiënt wat opgeneem is in ’n gesondheidsdienste-fasiliteit;

“buite-pasiënt” beteken ’n pasiënt wat nie opgeneem is in ’n gesondheidsdienstefasiliteit nie en daar aandoen vir behandeling;

“Departement” beteken die departement wat verantwoordelik is vir die gesondheidsdienste in die Provinsie;

“distrik” beteken enige afgebakende geografiese distrik waarna verwys word in artikel 2;

“Distrik Gesondheidsowerheid” beteken ’n raad wat gekonstitueer is vir ’n distrik ingevolge artikel 2(1)(b) en Hoofstuk III;

“distriksbestuurder” beteken ’n bestuurder soos na verwys in artikel 4;

“distriksgesondheidsfasiliteit” beteken 'n fasiliteit wat as sodanig aangewys is deur die Lid in terme van artikel 2(4)(a);

“finansiële jaar” beteken die periode tussen die eerste dag van April in enige jaar en die een-en-dertigste dag van Maart in die daaropvolgende jaar, beide dae inbegrepe;

“gesondheidsdiens” beteken enige diens verskaf binne, of ter ondersteuning van, gesondheidsfasiliteite en waarna verwys word in artikel 2(2) en (4);

“gesondheidsfasiliteit” beteken enige gesondheidsfasiliteit waarna verwys word in artikel 2(2);

“Hoof van Departement” beteken die hoof van die departement, aangestel as die Rekenpligtige Amptenaar, wat verantwoordelik is vir gesondheid soos na verwys word in artikel 4;

“Lid” beteken die Lid van die Uitvoerende Raad wat verantwoordelik is vir gesondheid;

“Plaaslike Regering” beteken 'n plaaslike regering gekonstitueer ingevolge Hoofstuk 7 van die Konstitusie van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

“praktisyn” beteken enige persoon geregistreer as beroepspersoon ingevolge die voorskrifte van die Mediese, Tandheelkundige en Aanvullende Gesondheidsdienste Wet, 1974 (Wet No. 56 van 1974), die Farmasie Wet, 1974 (Wet No. 53 van 1974), of die Verpleegkundige Wet, 1957 (Wet No. 69 van 1957);

“Provinsiale verwysingsgesondheidsfasiliteit” beteken 'n fasiliteit, toegewys as sodanig deur 'n Lid ingevolge artikel 2(4)(c);

“private gesondheidsfasiliteit” beteken 'n gesondheidsfasiliteit wat nie 'n gesondheidsdienstefasiliteit is waarvan die Noordelike Provinsie Regering (insluitend die Administrasie) of 'n plaaslike regering die eienaar is nie, of wat bestuur word deur die Provinsiale Regering of 'n plaaslike regering nie;

“privaatpraktisyn” beteken—

(a) 'n praktisyn wat nie in die voltydse diens van die Provinsiale Regering is nie; of

(b) 'n praktisyn wat nie die houer is van 'n onderrigaanstelling ingevolge artikel 47(1) of ingevolge artikel 48 nie;

“raad” beteken 'n gesondheidsdiensteraad gekonstitueer ingevolge Artikel 11, 1996 (Wet No. 108 van 1996);

“Regering” beteken die Regering van die Noordelike Provinsie;

“Spesiale funksie gesondheidsfasiliteit” beteken enige fasiliteit spesifiek opsygesit vir die behandeling van tuberkulose, psigiatrisie siektes of enige ander toestand en as sulks aangedui deur die Lid ingevolge Artikel (2)(3)(d);

“Streeksverwysingsgesondheidsfasiliteit” beteken 'n fasiliteit toegeken as sodanig deur die Lid ingevolge artikel 2(4)(b);

“hierdie Wet” sluit die regulasies in; en

“behandeling” sluit voorkombare voorsiening vir die volgende in:

- (a) voedsel en akkommodasie;
- (b) verpleegsorg;
- (c) mediese, chirurgiese, verloskundige, tandheelkundige, terapeutiese of rehabiliterende behandeling;
- (d) diagnostiese prosedures; en
- (e) berading.

HOOFSTUK I

GESONDHEIDSDIENSTE EN FASILITEITE

Instelling en organisering van gesondheidsdienste

2. (1) Die Lid mag vir die doel van doeltreffende administrasie en die verskaffing van effektiewe en uitgebreide gesondheidsdienste in die Provinsie, deur kennisgewing in die *Provinsiale Koerant*—

- (a) distrikte afbaken om sodoende te bestaan uit een of meer plaaslike regeringsgebiede en die naam vasstel waaronder so 'n distrik bekend sal staan;
- (b) met betrekking tot elke geproklameerde distrik 'n Distriksgesondheidsowerheid instel in ooreenkoms met die plaaslike regerings soos beoog word in artikel 156(4) van die Konstitusie van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996); en
- (c) om enige kennisgewing van die aard in die *Provinsiale Koerant* te wysig of te onttrek indien dit in die belang is van effektiewe administrasie.

(2) Die bepalinge in Hoofstuk III is van toepassing op Distriksgesondheidsowerhede: Met dien verstande dat alle rade en komitees gekonstitueer vir distriksgesondheidsdienste en fasiliteite, uitgesluit die wat geïdentifiseer is ingevolge subafdeling 2(4)(b), (c) en (d), ondergeskik is aan die Distriksgesondheidsowerheid waaronder die distrik val.

(3) Die Lid sal na oorlegpleging met die LUR verantwoordelik vir Openbare dienste gesondheidsfasiliteite en -dienste in distrikte vestig soos na verwys word in subartikel (1), insluitend—

- (a) uitreikingsdienste wat verskaf sal word vanaf mobiele fasiliteite;
- (b) klinieke;
- (c) gesondheidsdienste met die kapasiteit vir kortverblyf opname;
- (d) gesondheidsfasiliteite, insluitend hospitale, vir die opname en behandeling van pasiënte;

- (e) kantore en instellings vir die bestuur van, of voorsiening van, ander gesondheidsdienste.
- (4) Die Lid mag geïdentifiseerde gesondheidsfasiliteite aanwys om te dien as—
 - (a) distriksgesondheidsfasiliteite;
 - (b) Streeksverwysingsgesondheidsfasiliteite;
 - (c) Provinsiale verwysingsgesondheidsfasiliteite;
 - (d) Spesiale funksie gesondheidsfasiliteite of -instellings.
- (5) Die Lid mag die volgende instel en in stand hou met die oog op die ondersteuning van gesondheidssorgdienste en -fasiliteite:
 - (a) ambulans en mediese nooddienste;
 - (b) vervoerdienste;
 - (c) opslagplekke vir die vervaardiging en herstel van ortopediese, chirurgiese, mediese en ander gereedskap en toerusting;
 - (d) farmaseutiese en ander voorradedepots;
 - (e) wasserye;
 - (f) verpleegkolleges en -skole of ander instellings vir die opleiding van persone vir dienste binne die Departement;
 - (g) spysenieringsdienste; en
 - (h) enige ander diens of instelling wat nodig mag wees in die bereiking van die oogmerke van hierdie Wet.
- (6) Enige gesondheidsdiensfasiliteit of -instelling van die aard beskryf in subartikel (2), (3) of (4) en wat ingestel is in die provinsie voor die inwerkingtreding van hierdie Wet sal beskou word as ingestel ingevolge hierdie artikel.

Algemene magte van die Lid van die Uitvoerende Raad

- 3. Die Lid mag in Konsultasie met die LUR verantwoordelik vir openbare werke—
 - (1) voorsiening maak vir akkommodasie en losies vir die personeel van enige gesondheidsfasiliteit, -instelling of -diens ingestel ingevolge artikel 2;
 - (2) hierdie akkommodasie huur, bruikhuur, verhuur, verkry, aankoop, oprig, bou of andersins gebruik, sowel as hierdie dienste, soos nodig mag wees in die bereiking van oogmerke en verrigting van funksies soos uiteengesit in hierdie Hoofstuk. Voorts mag die Lid ook opdrag gee dat enige van hierdie akkommodasie of dienste deel moet wees van 'n bestaande gesondheidsdiens, -fasiliteit of instelling gevestig ingevolge artikel (2); of
 - (3) enige roerende of onroerende goed verhuur of verkoop wat deur die Departement aangeskaf is ten bereiking van die oogmerke van hierdie Wet, onderhewig aan die toestemming van die Tesourie.

Plaaslike beheer en bestuur van gesondheidsdiensfasiliteite, -instellings en dienste

4. Die plaaslike beheer en bestuur van elke distriksgesondheidsdiens en van elke instelling of diens gevestig ingevolge artikel 2, berus by 'n persoon wat aangestel is deur die Lid as bestuurder daarvan, en elk van hierdie persone—

- (1) sal verantwoordingspligtig wees teenoor die Hoof van die Departement vir die doeltreffende beheer en bestuur van die distrik of van die gesondheidsdiens of -fasiliteit wat onder sy of haar beheer geplaas is. Enige mag, reg, funksie of plig, toegeken of opgelê aan enige persoon ingevolge die bepalings van hierdie Wet of die regulasies wat daaronder neergelê is, moet uitgeoefen word onderhewig aan aanwysings soos deur die Hoof van die Departement gegee, wat nie teenstrydig is met die bepalings of regulasies van hierdie Wet nie; en
- (2) mag aangestel word in 'n voltydse of deeltydse kapasiteit.

Aanvaarding van bemakings, donasies of bydraes

5. (1) Die Lid of die Hoof van die Departement kan, onderhewig aan die toestemming van die Tesourie, enige eiendom aanvaar in die vorm van bemaakte donasie of bydrae, ongeag of die eiendom bemaak, begiftig of bygedra is in trust vir enige spesifieke doel verbonde aan 'n reeds bestaande of toekomstige gesondheidsdiensfasiliteit of instelling of diens wat reeds gevestig is of gevestig sal word ingevolge artikel 2, of in trust vir enige ander oogmerk wat beoog is in hierdie Wet.

(2) In die geval van—

- (a) enige eiendom wat berus by die Regering of die Administrasie; of
- (b) enige geld of eiendom wat aanvaar is deur die Lid of deur 'n raad; of
- (c) enige geld of eiendom wat aanvaar is deur die Lid of die Hoof van die Departement ingevolge subartikel (1),

en onderworpe is aan enige trust of spesifieke bemaking, sal sulke eiendom onderworpe bly aan so 'n trust of bemaking en sal die eiendom behandel word in ooreenstemming met die voorwaardes en bepalings van die trust of bemaking: Met dien verstande dat wanneer enige eiendom soos die, ongebonde sal raak van so 'n trust of bemaking, dit aangewend mag word vir enige doel in verband met die provinsie se gesondheidsdienste ken - fasiliteite of -instellings gevestig ingevolge artikel 2, ten voordeel van wie so 'n trust of bemaking geskep is.

(3) Enige eiendom waarna verwys word in subartikels (2)(a), (b) of (c) wat aangewend sal word deur 'n spesifieke gesondheidsfasiliteit of deur 'n spesifieke -instelling of -diens gevestig ingevolge artikel 2 mag, tensy dit vir 'n spesifieke doel of funksie aangewend moet word ingevolge so 'n trust of bemaking, aangewend word op so 'n wyse soos deur die Lid vasgestel vir die bekoming van toerusting vir 'n gesondheidsfasiliteit, -instelling of -diens of vir enige hoofdoel wat verband hou met 'n gesondheidsfasiliteit, -instelling of -diens.

(4) Vir die doel van hierdie Artikel beteken "hoofdoel"—

- (a) die oprigting, konstruksie, verkryging, uitbreiding of verbetering van enige gebou;
- (b) die verkryging van grond of enige reg op of belang by grond;
- (c) die uitvoering van enige werk van 'n permanente aard in verband met enige gesondheidsdienstefasiliteit of -instelling of -diens ingestel ingevolge artikel 2; of
- (d) die terugbetaling van enige lening aangegaan vir enige van die bogenoemde doeleindes in paragrawe (a), (b) of (c).

Regulasies

6. (1) Die Lid mag regulasies voorskryf aangaande enige van die volgende sake:

- (a) Alle sake rakende die bestuur, sorg, beheer of die regulering van gesondheidsfasiliteite, -instellings of -dienste gevestig ingevolge artikel 2;
- (b) die voorkoming van oortreding op enige van die terreine of plekke onder die beheer van die Departement;
- (c) die verbod op die inbring van enige gespesifiseerde artikel op enige van die terreine of plekke onder die beheer van die Departement;
- (d) in die algemeen, in verband met enige kwessie wat noodsaaklik is vir die bereiking van die oogmerke van hierdie Hoofstuk.

(2) Die Lid mag wisselende regulasies voorskryf vir, of in verband met, verskillende gesondheidsdienste, -fasiliteite of -instellings gevestig ingevolge artikel 2.

HOOFSTUK II

OORDRAG VAN GESONDHEIDSDIENSTE EN -FASILITEITE NA DIE PLAASLIKE REGERING

Oordrag van gesondheidsdienste en -fasiliteite

7. (1) Die Lid mag enige regulasies voorskryf en die kriteria en voorwaardes vasstel vir die oordrag van 'n gesondheidsdiens of -fasiliteit van die Administrasie na een of meer plaaslike regerings.

(2) Die Lid mag, op versoek van 'n Distriksgesondheidsowerheid, gekonstitueer ingevolge artikel 2(1)(b), en met die instemming van die Lid van die Uitvoerende Raad verantwoordelik vir die plaaslike regering, deur kennisgewing in die *Provinsiale Koerant*—

- (a) die bestuur van die dienste van 'n bepaalde groep gesondheidsdienste en -fasiliteite delegeer na een of meer betrokke plaaslike regerings, wat inwerkinggestel word met ingang van die datum genoem in die kennisgewing;

Dienstydperk van raadslede

14. Alle lede van rade sal 'n dienstydperk van drie jaar betree vanaf die datum van hul aanstelling: Met dien verstande dat die lede, vir die eerste keer aangestel deur die Lid op 'n nuwe raad, gekonstitueer ingevolge die bepalings van die Wet, se dienstydperk as volg sal verloop:

- (a) een derde vir 'n tydperk van een jaar;
- (b) een derde vir 'n tydperk van twee jaar; en
- (c) een derde vir 'n tydperk van drie jaar:

Met dien verstande dat die dienstydperk, in die geval van 'n lid wat aangestel is om 'n tydelike vakature te vul, in elke geval sal ooreenstem met die onverstreke tydperk van die lid in wie se plek die aanstelling gemaak is.

Wanneer die posisie van 'n lid vakant word

15. As 'n lid van die raad onbevoeg verklaar word ingevolge artikel 13; of—

- (1) as hy of sy sterf; of
- (2) as hy of sy 'n skriftelike bedanking indien; of
- (3) as hy of sy vir drie agtereenvolgende gewone algemene vergaderings afwesig is sonder verlof van die raad,

sal sy of haar posisie vakant verklaar word deur die voorsitter van die raad wat die inligting sal oordra aan die Lid, wat onderhewig aan die bepalinge van artikels 12 en 13, 'n lid sal aanwys om die vakature te vul.

Die beëindiging van die dienstydperk van raadslede, die aanstelling van voorlopige rade, en die aanstelling van persone om die regte, magte, pligte of funksies van rade uit te oefen of uit te voer.

16. (1) Die Lid mag die dienstydperk van raadslede beëindig vanaf 'n gespesifiseerde datum—

- (a) as 'n raad vir 'n tydperk van ses maande die hou van 'n vergadering agterweë gelaat het; of
- (b) as hy of sy oortuig is dat 'n raad—
 - (i) in gebreke gebly het, of geweier het, om enige plig na te kom of funksie te verrig soos aan die raad opgelê is deur hierdie Wet of deur die regulasies wat daaronder voorgeskryf is; of
 - (ii) in 'n onredelike mate in gebreke gebly het om enige reg of bevoegdheid uit te oefen, toegestaan deur hierdie Wet of deur die regulasies wat daaronder voorgeskryf is;
 - (iii) enige onwettige daad of groot onreëlmatigheid begaan het; of
 - (iv) die toegekende regte, bevoegdhede, pligte of werksaamhede op onbevoegde wyse uitgeoefen of uitgevoer het, of tot die nadeel van 'n gesondheidsdiens of -fasiliteit waarvoor die raad gekonstitueer is; of

(c) indien die aantal lede van so 'n raad verminder het tot 'n aantal, wat na die Lid se mening, onvoldoende is vir die doeltreffende bestuur van sake.

(2) Die Lid mag, na bekendmaking van die intensie en die toestaan van 'n geleentheid vir die raad om kommentaar te lewer daarop, enige resoluëie wat aanvaar is tydens 'n vergadering van enige raad, nietig en ongeldig verklaar indien so 'n resoluëie, na sy of haar mening, op 'n onwettige of onreëlmattige wyse voorgeskryf is, of wat 'n onbehoorlike uitoefening van die raad se werksaamhede of bevoegdhede is, tot nadeel van die belange van die provinsiale gesondheidsdiens, -fasiliteit of -distrik.

(3) Indien die dienstydpêrk van alle lede van so 'n raad beëindig word ingevolge subartikel (1) of, indien daar geen raadslede is nie, mag die Lid—

- (a) lede van so 'n raad aanstel ingevolge die bepalings van hierdie Hoofstuk en vir alle doeleindes sal so 'n raad as 'n nuwe raad beskou word;
- (b) in die plek van so 'n raad 'n nuwe raad aanstel (voortaan word verwys na voorlopige raad) vir 'n periode soos deur hom of haar vasgestel, maar nie vir langer as een jaar nie.

(4) Die aantal lede van 'n voorlopige raad sal nie die aantal lede van die raad in die plek waarvan die voorlopige raad aangestel is, oorskry nie.

(5) Die bepalings van hierdie Wet en die regulasies daaronder voorgeskryf sal van toepassing wees op voorlopige rade.

(6) Voor die verstryking van die dienstydpêrk van 'n voorlopige raad, sal die Lid lede van die raad aanstel in die plek waarvan die voorlopige raad aangestel is en so 'n raad sal as nuwe raad beskou word, maar die lede hiervan se dienstydpêrk sal nie in aanvang neem tot die dag na die verstryking van die dienstydpêrk van die voorlopige raad nie.

(7) Die lid mag vir 'n periode, maar nie langer as 'n jaar nie, 'n persoon of persone aanstel om enige van die regte, bevoegdhede, pligte of werksaamhede van 'n raad wat volgens sy of haar oordeel nie kan funksioneer nie, uit te voer.

(8) Die Lid sal, voor stappe gedoen word teen enige raadslid—

- (a) die lid verwittig van alle aantygings;
- (b) die lid die geleentheid bied om te antwoord; en
- (c) volledige redes verskaf vir die genome besluit.

Regte, bevoegdhede, pligte en werksaamhede van rade

17. (1) 'n Raad mag—

- (a) aanbevelings maak aan die Hoof van die Departement, die distriksbestuurder of die bestuurder van 'n gesondheidsdiens of -fasiliteit, waarvoor die raad gekonstitueer is, aangaande sake rakende gesondheidsdiens en aangaande die middele en metodes waardeur die beheer, regulering, administrasie of bestuur van gesondheidsdiens verbeter kan word;

(6) (a) Elke komitee verkies 'n eie voorsitter en so 'n voorsitter se dienstydpark word bepaal deur die komitee.

(b) Indien die voorsitter van 'n komitee afwesig is van enige vergadering, sal die teenwoordige lede 'n voorsitter verkies om die vergadering te lei. Die verkose lid sal dieselfde regte, bevoegdhede, pligte en werksaamhede hê as die voorsitter van die komitee.

(7) Elke vraagstuk voorgelê aan die komitee sal besleg word deur die meerderheidstem van die teenwoordige lede en, in die geval van gelyke stemme, sal die vraagstuk verwys word na die raad.

Notules van vergaderings

23. (1) Notule sal by elke raadsvergadering of komiteevergadering gehou word. Elke lid van die raad sal voorsien word van 'n kopie van die notule.

(2) Notule van die verrigtinge, bevestig ingevolge subartikel (1), sal ten alle redelike tye oop wees vir ondersoek deur enige persoon daartoe gemagtig deur die Hoof van die Departement. 'n Kopie hiervan sal verskaf word aan die Hoof van die Departement deur die persoon aangewys as sekretaris van die raad deur die Hoof van die Departement.

Vergoeding en toelae

24. Die Lid, met die medewerking van die Lid van die Uitvoerende Raad verantwoordelik vir finansies en uitgawes, bepaal die vergoeding, toelae en ander besoldiging betaalbaar aan die raadslede.

Regulasies

25. Die Lid mag van tyd tot tyd regulasies neerlê wat die volgende voorskryf:

- (1) Die beheer, gedrag en bestuur van raadsvergaderings en enige komitee daarvan;
- (2) die bevoegdhede en pligte van enige voorsitter of waarnemende voorsitter van 'n raad of komitee;
- (3) in toevoeging tot die regte, bevoegdhede, en pligte en werksaamhede van die rade toegeken of opgelê ingevolge die bepalinge van hierdie Wet, verdere regte, bevoegdhede, pligte of werksaamhede van rade oplê en toeken;
- (4) indien 'n komitee of raad ondanks die bepalinge van artikel 17, nie die regte, bevoegdhede, pligte of werksaamhede toegeken of opgelê aan 'n raad ingevolge die bepalinge van hierdie Wet of 'n regulasie voorgeskryf daaronder, uitvoer nie; of
- (5) dat enige raad of komitee, met die instemming van die verantwoordelike Lid van die Uitvoerende Raad, kan verenig met enige ander raad of komitee wat ingestel is deur enige ander wet en die gronde neerlê vir so 'n samewerking; of

- (6) enige algemene regulasie in verband met alle sake wat hy of sy beskou as noodsaaklik of wenslik vir die bereiking van die doelwitte van hierdie Hoofstuk.

HOOFSTUK IV

PROVINSIALE GESONDHEIDSADVIESFORUM

Instelling van 'n Provinsiale Gesondheidsadviesforum

26. Die Lid stel 'n Provinsiale Gesondheidsadviesforum in.

Samestelling van die Forum

27. Lidmaatskap van die Forum sal behels—

- (1) Die Lid in die hoedanigheid van Voorsitter;
- (2) die Hoof van die Departement;
- (3) die Takhoof verantwoordelik vir gesondheidsdienste;
- (4) die Takhoof verantwoordelik vir finansies en administrasie;
- (5) die voorsitter van elke Distriksgesondheidsowerheid;
- (6) een verteenwoordiger van elke gesondheidsverwante professionele vereniging waarvan die status as sodanig erken word deur die Lid;
- (7) een verteenwoordiger van elke werknemersorganisasie wat toegang verleen is tot die Provinsiale Onderhandelingsraad; en
- (8) onderhewig aan die goedkeuring van die Speaker van die Wetgewer, een lid van die Vaste Komitee verantwoordelik vir gesondheid.

Vereistes vir lede

28. Die maatstawwe in artikel 13 sal *mutatis mutandis* toegepas word.

Dienstydperk van lede

29. Die maatreëls in artikel 14 sal *mutatis mutandis* toegepas word op lede waarna verwys word in artikel 27(6) en (7).

Vergaderings

30. (1) Die forum ontmoet minstens drie keer 'n jaar.
- (2) Die Lid mag voorsiening maak vir addisionele vergaderings in die regulasies.
 - (3) Die bepalinge van artikel 23(1) sal van toepassing wees op die notule.

Komitees

31. Die Lid mag komitees van die Forum konstitueer en enige saak in verband met die komitees reguleer.

Funksies

32. (1) Die Forum sal die Lid adviseer aangaande—

- (a) beleidsontwikkeling en die implementering en instandhouding van dienste;
- (b) die kommunisering van gesondheidsbeleid en ander gesondheidsake aan die publiek; en
- (c) nominasies vir Distriksgesondheidsowerhede en ander rade aan die Lid; en
- (d) enige ander saak wat hy of sy na die Forum sal verwys.

Regulasies

33. Die Lid mag regulasies voorskryf—

- (1) In verband met alle sake wat hy of sy nodig mag ag, wat noodsaaklik of wenslik is vir die bereiking van die oogmerke van hierdie Hoofstuk;
- (2) wat bepaal dat die Forum of enige ander komitee van die Forum kan saamwerk met enige ander Forum of komitee wat ingestel is deur enige ander wet, met die toestemming van die verantwoordelike Lid van die Uitvoerende Raad.

HOOFSTUK V

OPNAME EN BEHANDELING VAN PASIËNTE

Verpligting tot opname van pasiënte

34. Onderhewig aan die bepalinge van artikel 37, moet elke bestuurder persone wat ly aan of blootgestel is aan enige van die siektes, beserings of toestande vir die behandeling waarvoor so 'n gesondheidsdiens of -fasiliteit ingestel is, opneem vir behandeling, in soverre voldoende en toepaslike akkommodasie daarin beskikbaar is.

Klassifikasie van pasiënte

35. (1) Onderhewig aan die bepalinge van artikel 36, sal elke persoon wanneer daar aansoek gedoen word om toelating tot 'n gesondheidsdiens of -fasiliteit, of so spoedig moontlik daarna, geklassifiseer word deur die bestuurder of 'n ander gemagtigde beampte in ooreenstemming met die bepalinge voorgeskryf ingevolge artikel 41.

(2) Vir die doel van subartikel (1), mag die bestuurder of 'n ander gemagtigde beampte, vra om informasie of dokumente soos nodig mag wees, of soos voorgeskryf word in enige regulasie wat voorgeskryf is ingevolge artikel 41. Buiten wanneer, in die opinie van die bestuurder of gemagtigde beampte, behandeling nie uitgestel kan word sonder gevaar of skadelike gevolge vir die persoon soos na verwys in die subartikel, sal geen persoon toegelaat word as 'n pasiënt, tensy hierdie informasie of dokumente voorsien kan word deur, of in belang van so 'n persoon, of tensy die bestuurder of ander beampte tevrede is dat die persoon wel in die kategorie val ingevolge subartikel (1).

(3) Enige persoon wat, vir die doel van subartikel (2), willens en wetens enige valse, foutiewe of misleidende inligting of dokumente verskaf, sal hulself skuldig maak aan 'n oortreding en sal strafregtelik aanspreeklik wees deur die oplegging van 'n boete waarvan die bedrag jaarliks bepaal word deur die Tesourie en gepubliseer word in die *Provinsiale Koerant*. In die geval van wanbetaling, sal tronkstraf opgelê word vir 'n tydperk wat nie drie maande oorskry nie.

(4) (a) Enige persoon waarna verwys word in subartikel (1) of enige persoon wat in die belang van hom of haar optree, wat verontreg voel deur enige klassifikasie of herklassifikasie wat gedoen is ingevolge artikel 41, mag appelleer teen die klassifikasie of herklassifikasie voor die raad verantwoordelik vir die gesondheidsdiens of -fasiliteit, en hierdie raad se besluit sal finaal wees.

(b) Indien enige appèl, aangeteken ingevolge paragraaf (a), gehandhaaf word deur 'n raad, sal die persoon ten opsigte van wie se klassifikasie of herklassifikasie die appèl aangeteken is, geherklassifiseer word in ooreenstemming met die besluit van die raad met inwerkingtreding op die datum waarop die appèl aangeteken is: Met dien verstande, dat as enige persoon appèl aanteken teen herklassifikasie in ooreenstemming met enige regulasie voorgeskryf ingevolge artikel 41(1)(d), en so 'n appèl word gehandhaaf, dat die besluit van die raad in werking gestel sal word vanaf die datum van die eerste klassifikasie van die persoon.

Sekere groepe persone sal geklassifiseer word as privaat pasiënte

36. (1) Enige persoon wat behandeling ontvang by of in enige gesondheidsdiens of -fasiliteit sal geklassifiseer word as 'n privaat pasiënt—

- (a) as hy of sy behandeling ontvang as gevolg van 'n ongeluk of besering ten opsigte waarvan mediese hulp, soos gedefinieer in artikel (2) van die Wet op die Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet Nr 30 van 1993), betaalbaar is deur of vasgestel is as die verpligting van die Werkliede Kompensasie Kommissaris of van die werkgever ingevolge hierdie Wet; of
- (b) as hy of sy lid is van die weermag van enige ander land as die Republiek van Suid-Afrika; of
- (c) as hy of sy, vanweë sy of haar aanstelling in diens van enige Staatsdepartement in die Republiek van enige buitelandse regering of sy of haar afhanklikheid van enige persoon op die wyse aangestel, sal geregtig wees op behandeling op koste van die betrokke departement of regering; of
- (d) as hy of sy behoort aan enige ander groep wat die Lid by wyse van 'n kennisgewing in die *Provinsiale Koerant* verklaar het as nie geskik vir behandeling teen verminderde tariewe nie; of
- (e) as hy of sy 'n geregistreerde lid (of afhanklike) is van enige mediese skema of voordele fonds geregistreer ingevolge enige wet; of
- (f) as hy of sy meer verdien as die inkomste vasgestel van tyd tot tyd deur die Lid en gepubliseer in die *Provinsiale Koerant*, of 'n afhanklike van so 'n persoon.

(2) Vir die doel van paragraaf (c) van subartikel (1) sluit die uitdrukking "enige Staatsdepartement" die Mag in, soos gedefinieer in artikel 1 van die Polisie Wet, 1958 (Wet No. 7 van 1958), en die Gevangenisdiens, vasgestel deur artikel 2 van die Wet op Gevangenis, 1959 (Wet Nr 8 van 1959).

Bevel op die toelating van pasiënte

37. Alle persone sal toegelaat word tot 'n gesondheidsdiens of -fasiliteit in ooreenstemming met die dringendheid van hulle nood om behandeling, soos vasgestel deur die mediese beampte aan diens of 'n ander beampte gemagtig om op te tree in sy of haar belang en op so 'n wyse soos die mediese beampte of ander beampte mag aanwys.

Behandeling van pasiënte

38. (1) Enige persoon sal behandel word in 'n gesondheidsdiens of -fasiliteit deur 'n mediese praktisyn, of enige ander praktisyn wat op diens is en in diens staan van die betrokke mediese diens of fasiliteit: Met dien verstande dat, in die geval waar—

- (a) die pasiënt beseer is in 'n ongeluk wat veroorsaak is deur, of voortspruit uit die bestuur van 'n motorvoertuig soos in beskouing geneem in die Wet op Padongelukkefonds, 1996 (Wet Nr 56 van 1996); of
- (b) die pasiënt 'n lid of 'n geregistreerde afhanklike is van 'n Mediese Skema; of
- (c) die pasiënt self die volle onkoste van sy of haar sorg dra,

mag hy of sy behandel word deur 'n private mediese praktisyn indien hy of sy dit sou versoek.

(2) Die Administrasie sal nie aanspreeklik wees vir fooie of kostes verskuldig deur enige pasiënt aan enige privaatpraktisyn wat ingevolge artikel 40 gemagtig is om van staatsfasiliteite gebruik te maak nie.

Behandeling van 'n private of volopbetalende pasiënt as buite-pasiënt

39. Die fooie voorgeskryf ingevolge artikel 41(1)(f) sal gehef word op die behandeling van enige persoon in 'n gesondheidsdiens of -fasiliteit, hetsy as binne-pasiënt of buite-pasiënt: Met dien verstande dat die Lid enige persoon of enige groep persone gedeeltelik of ten volle mag vrystel van die betaling van fooie.

Behandeling van privaatpasiënte deur privaatpraktisyn in gesondheidsdienste en -fasiliteite

40. (1) 'n Privaatpraktisyn kan skriftelik aansoek doen by die bestuurder om toestemming vir die behandeling van sy of haar eie privaatpasiënte in 'n gesondheidsdiens of -fasiliteit en so 'n praktisyn sal nie enige sulke pasiënte daarin behandel alvorens toestemming daartoe verleen is nie: Met dien verstande dat toestemming nie verleen sal word tensy die privaatpraktisyn skriftelik onderneem het—

- (a) om sig te onderwerp aan die reëls en regulasies wat van toepassing is op die gesondheidsdiens of -fasiliteit; en

- (b) om soveel deeltydse hulp te verleen binne die gesondheidsdiens of -fasiliteit soos die Hoof van die Departement mag vasstel teen die salaris soos vasgestel deur die Kommissie van Openbare Dienste.

(2) Die Hoof van die Departement mag 'n voorwaarde neerlê dat hierdie toestemming slegs van toepassing sal wees op 'n spesifieke gedeelte van die provinsiale gesondheidsdienste of -fasiliteite waarvoor daar aansoek gedoen is.

(3) 'n Privaatpraktisyn mag appèl aanteken by die Lid teen die weiering van die Hoof van die Departement om toestemming te verleen ingevolge subartikel (1) of teen die neerlegging van 'n voorwaarde ingevolge subartikel (2). Die Lid sal 'n besluit neem na die aanhoor van enige vertoë van beide partye.

(4) Enige toestemming verleen ingevolge subartikel (1) of (3) en enige voorwaarde neergelê ingevolge subartikel (2) of (3), kan teruggetrek, gewysig of verander word deur die Lid volgens sy of haar diskresie.

(5) Wanneer die Hoof van die Departement van mening is dat die Lid enige bevoegdhede, waarna verwys word in subartikel (4), moet uitoefen, mag hy of sy die toestemming verleen ingevolge subartikel (1) of (3), opskort in afwagting van die besluit van die Lid ingevolge die genoemde subartikel (4), en in daardie geval sal hy of sy die privaatpraktisyn dienoreenkomstig in kennis stel.

(6) Indien toestemming geweier is of 'n voorwaarde neergelê is ingevolge subartikel (1), (2) of (3), soos die geval mag wees, of as die toestemming of voorwaarde teruggetrek, gewysig of verander is ingevolge subartikel (4), mag die betrokke privaatpraktisyn weer aansoek doen ingevolge subartikel (1) na die verloop van 'n periode van ses maande vanaf die datum waarop die toestemming of voorwaarde verleen, gewysig of verander is, en die bepalinge van hierdie artikel sal *mutatis mutandis* van toepassing wees op die nuwe aansoek.

Regulasies

41. (1) Die Lid mag enige regulasie voorskryf aangaande enige van die volgende sake:

- (a) Die toegang tot behandeling; die voortduur van pasiënte se verblyf en die ontslag van pasiënte;
- (b) die voorskryf van die wyse waarop 'n klassifikasie gemaak sal word ingevolge artikel 35(1) en die beginsels en toetse wat in verband daarmee toegepas sal word. Verskillende beginsels en toetse mag toegepas word ten opsigte van binne-pasiënte en buite-pasiënte;
- (c) die voorsiening om op enige stadium van 'n pasiënt se behandeling 'n herklassifikasie te maak met in werking stelling op die datum waarop daar aansoek gedoen is om herklassifikasie;
- (d) om voorsiening te maak, onderhewig aan die bepalinge van artikel 35(4)(b), vir die korrigerende van enige foutiewe klassifikasie. Enige korreksie sal in werking gestel word op die datum waarop die foutiewe klassifikasie gemaak is;

- (e) die aanteken van appèl ingevolge artikel 36(4), die oorweging van hierdie appèl, die prosedure wat gevolg moet word en om voorsiening te maak vir enige ander saak wat byhorend is tot die appèl, insluitend die tydelike klassifikasie van enige persoon in verband met wie die appèl aangeteken is, in afwagting van die oorweging;
- (f) die voorskryf van fooie vir die behandeling van 'n persoon in 'n gesondheidsdiens of -fasiliteit hetsy as binne-pasiënt of buite-pasiënt;
- (g) die handhawing van orde, dissipline, fatsoenlikheid en netheid onder die pasiënte van enige gesondheidsdiens of -fasiliteit;
- (h) die voorskryf van verpligtinge en voorregte van privaatpraktisyn en die omstandighede waaronder praktisyn pasiënte mag behandel of toegang mag hê tot pasiënte in gesondheidsdienste of -fasiliteite, of die toegang tot gevallerekords en die resultate van enige ondersoek in verband met die pasiënt wat ten tyde van sy of haar toegang tot 'n provinsiale gesondheidsdiens of -fasiliteit die pasiënt was van die praktisyn; en
- (i) in die algemeen, in verband met enige saak wat hy of sy beskou as noodsaaklik vir die bereiking van die oogmerke van hierdie Hoofstuk.

(2) In die neerlê van enige regulasie ingevolge paragraaf (a), (f), (g), (h) of (i) mag die Lid verskillende regulasies neerlê ten opsigte van verskillende gesondheidsdienste of -fasiliteite.

HOOFSTUK VI

PERSONEEL

Verplasings, bevorderings, en tydelike detasjering

42. (1) Enige persoon in diens van die Departement kan verplaas of bevorder word na of tot 'n pos soos deur die Lid bepaal: Met dien verstande dat 'n beampte nie verplaas sal word vanaf een pos na 'n ander as die verplasing 'n vermindering in sy of haar pensioengewende emolumente behels nie soos gedefinieer in die regulasies neergelê ingevolge die bepalinge van die Wet op Staatsdiens Pensioene, 1973 (Wet Nr 57 van 1973), tensy hierdie verplasing op versoek en met die goedkeuring van die beampte plaasvind.

(2) Met die goedkeuring van die Hoof van die Departement, en na oorlegpleging met die betrokke persoon, kan 'n persoon in diens van die Departement tydelik gedetasjeer word van een gesondheidsdiens of -fasiliteit ingestel ingevolge artikel 2 na enige ander gesondheidsdiens of -fasiliteit of tot die administratiewe afdeling van die Departement of vir 'n spesifieke tydperk, of vir 'n spesifieke diens.

(3) Die Hoof van die Departement kan van enige beampte verwag om tydelik pligte te verrig anders as die pligte wat normaalweg aan die beampte of aan die rang of benaming toegeken word, mits die beampte gekwalifiseer is om die take te verrig.

Kopie van wangedrag prosedures sal gestuur word aan die professionele raad waarby die beampte geregistreer is

43. Indien enige beampte, waarvan daar verwag word om te registreer as praktisyn, skuldig bevind word aan wangedrag ingevolge artikel 23 van die Wet op Publieke Dienste, 1994 (Proklamasie Nr 103 van 1994), sal daar 'n gesertifiseerde kopie van die bevindinge gestuur word aan die Raad waarby die beampte geregistreer is.

Aanstelling van erebeampte of vrywillige werker

44. (1) Die Hoof van die Departement mag, met betrekking tot enige gesondheidsdiens, -fasiliteit of instelling, ingestel ingevolge artikel 2, erebeamptes en vrywillige werkers aanstel, soos hy of sy gerade mag ag.

(2) Hierdie Hoofstuk sal nie van toepassing wees op erebeamptes of vrywillige werkers aangestel ingevolge subartikel (1) nie, maar die Hoof van die Departement kan die werksvoorwaardes van so 'n beampte of werker bepaal en hom of haar dienoreenkomstig inlig.

HOOFSTUK VII

ONDERRIGOMGEWINGS VIR GESONDHEIDSORG

Samewerking tussen provinsiale dienste en fasiliteite en universiteite, teknikons en kolleges vir onderrigooogmerke

45. (1) Die Lid mag goedkeur dat 'n gesondheidsdiens (in hierdie Hoofstuk na verwys as 'n Gesondheidsorg Onderrigomgewing) saamwerk met 'n universiteit, teknikon of kollege met 'n mediese, tandheelkunde of gesondheidsdienste fakulteit, met die doel om akademiese funksies te verrig binne 'n Gesondheidsorg Onderrigomgewing vir studente van die betrokke fakulteit.

(2) Vir die doel van hierdie Hoofstuk sluit die woorde "geneeskunde" en "mediese dienste" respektiewelik "gesondheidsdienste" en "verpleegdienste" in.

(3) Die Lid mag 'n formele ooreenkoms aangaan met enige universiteit, teknikon of kollege waar gesamentlike aanstellings in die vooruitsig gestel word.

Onderrigaanstellings aan 'n gesondheidsdiensfasiliteit vir onderrig

46. (1) Onderhewig aan die bepalinge van hierdie Hoofstuk, mag die Lid 'n aanstelling maak in 'n goedgekeurde pos met die instelling van 'n gesondheidsdiens of -fasiliteit wat hy of sy, in konsultasie met die betrokke universiteit, aangewys het as 'n onderrigpos, en so 'n aanstelling sal bekend staan as 'n gesamentlike aanstelling.

(2) (a) Geen persoon sal aangestel word ingevolge subartikel (1) nie, tensy die Lid en die universiteit, teknikon of kollege ooreengekom het aangaande die volgende:

- (i) Die persoon wat aangestel sal word;
- (ii) die salaris en toelaag wat aan die persoon betaal sal word;

- (iii) die finansiële bydrae van die universiteit ten opsigte van die salaris en toelaag; en
 - (iv) die werks- en diensvoorwaardes van die persoon.
- (b) Indien die Lid en die betrokke universiteit, technikon of kollege nie ooreenstemming bereik soos bepaal in paragraaf (a) nie, kan die Lid bepaal dat die betrokke pos nie 'n gesamentlike pos sal wees nie.
- (3) Enige persoon aangestel ingevolge artikel (1), sal—
- (a) onderrig gee by 'n gesondheidsdiens of -fasiliteit waar hy of sy aangestel is en by die universiteit, technikon of kollege wat daarmee geassosieer word, aan studente van die fakulteit geneeskunde, tandheelkunde of ander gesondheidsdienste in aanvulling tot diensverskaffing aan die publiek;
 - (b) optree in 'n algemeen adviserende en konsulerende hoedanigheid in verband met die professionele dienste wat verskaf word deur die betrokke gesondheidsdiens of -fasiliteit of deur enige ander gesondheidsdiens, -fasiliteit of -instelling, ingestel ingevolge artikel 2; en
 - (c) enige ander funksie verrig waartoe ooreengekom is tussen die lid en die universiteit, technikon of kollege ten tyde van die aanstelling of daarna.

Kontraktuele onderrigaanstellings

47. Die lid mag, na 'n ooreenkoms aangegaan is met die betrokke universiteit, technikon of kollege, 'n kontraktuele onderrigaanstelling maak soos bepaal in artikel 46(1) vir 'n tydperk en onderwerp aan voorwaardes waartoe daar ooreengekom is.

Toelating van universiteitspersoneel wat nie 'n gesamentlike aanstelling beklee nie tot provinsiale gesondheidsdiensfasiliteite

48. (1) 'n Universiteit, technikon of kollege kan te eniger tyd aansoek doen by die Lid om toestemming vir 'n persoon op die personeel van die universiteit, technikon of kollege wat nie 'n gesamentlike pos beklee ingevolge artikel 46(1) of ingevolge artikel 47 nie, wat toegang verleen is tot 'n provinsiale gesondheidsdiens of -fasiliteit, vir die doel om onderrig te verskaf aan studente in die fakulteit geneeskunde, tandheelkunde of enige ander fakulteit by die universiteit, technikon of kollege: Met dien verstande dat voorwaardes soos hy of sy toepaslik mag ag, neergelê word, insluitend die voorwaarde dat hierdie toestemming slegs van toepassing sal wees op 'n spesifieke gedeelte van die provinsiale gesondheidsdienste met betrekking waartoe die aansoek gedoen is.

(2) Enige toestemming verleen of voorwaarde neergelê ingevolge subartikel (1) kan teruggetrek, gewysig of verander word deur die Lid.

(3) 'n Universiteit, technikon of kollege waarna verwys word in subartikel (1) kan te eniger tyd—

- (a) 'n aansoek om toestemming hernieu, wat geweier is ingevolge subartikel (1) of teruggetrek is ingevolge subartikel (2); of
- (b) aansoek doen om die skapping of verandering van enige van die voorwaardes wat neergelê is ingevolge subartikel (1) of (2), soos die geval mag wees.

Weiering om student toe te laat tot universiteit, technikon of kollege

49. Die Lid mag 'n student van die fakulteit geneeskunde, tandheelkunde of enige ander fakulteit van die universiteit toelating tot 'n gesondheidsdiens of fasiliteit, of 'n gedeelte daarvan weier as 'n dissiplinêre maatreël, of toelating vergun onderhewig aan voorwaardes soos hy of sy toepaslik mag ag. 'n Student wat op hierdie wyse gepenaliseer word mag appelleer tot die Lid wat met sy of haar besluit mag volstaan, dit terugtrek of wysig.

Regulasies

50. Die lid mag, na oorlegpleging met die betrokke universiteit, technikon of kollege, regulasies neerlê met betrekking tot alle sake wat hy of sy nodig mag ag in die bereiking van die oogmerke van hierdie Hoofstuk.

HOOFSTUK VIII**PRIVATE GESONDHEIDSDIENSFASILITEITE****Private gesondheidsdiensfasiliteite en hulptoelae vir hierdie gesondheidsdienste en -fasiliteite**

51. (1) Vanaf die datum vasgestel deur die Lid, by wyse van kennisgewing in die *Provinsiale Koerant*, sal geen private gesondheidsdiens ingestel, uitgebrei, bestuur of gehandhaaf word tensy dit geregistreer is in ooreenstemming met die regulasies soos neergelê deur die Lid nie. In enige van hierdie regulasies mag daar voorsiening gemaak word vir die omstandighede waaronder so 'n registrasie onttrek kan word.

(2) Enige persoon wat 'n private gesondheidsfasiliteit instel, uitgebrei, bestuur of handhaaf, of assisteer in die instelling, uitbreiding, bestuur of handhawing van 'n private gesondheidsdiens in oortreding van die bepalinge van subartikel (1), sal skuldig bevind word aan 'n misdaad en sal aanspreeklik wees vir 'n boete waarvan die bedrag gepubliseer sal word in die *Provinsiale Koerant*, of in die geval van wanbetaling, sal tronkstraf opgelê word vir 'n tydperk wat nie 12 maande sal oorskry nie of die persoon sal tot beide die boete en tronkstraf gevonnis word.

(3) Die Lid mag, op voorwaardes wat as toepaslik beskou word, enige private gesondheidsdiens of -fasiliteit uitsluit van die bepalinge van subartikel (1).

(4) Die Lid mag, uit fondse beskikbaar gestel vir die doel deur die provinsiale Wetgewer, hulptoelae verskaf aan enige private gesondheidsdiens of -fasiliteit wat dienste verskaf aan nie-privaat pasiënte, waarvan die bedrae bepaal sal word soos nodig geag word.

(5) Die Lid mag voorwaardes neerlê en vereistes stel soos hy of sy nodig mag ag in die gee van 'n hulptoelaag, insluitend 'n vereiste dat 'n verteenwoordiger van die Lid aangestel word op die bestuursraad of soortgelyke liggaam van die betrokke private gesondheidsdiens of -fasiliteit.

(6) (a) Die Provinsiale Ouditeur of enige ander persoon wat daartoe gemagtig is sal die boeke, rekeninge en rekords van 'n private gesondheidsdiens of -fasiliteit nagaan wat ingevolge subartikel (4) 'n hulptoelaag ontvang het.

(b) So 'n private gesondheidsdiens of -fasiliteit sal verseker dat alle boeke, rekeningstate, teenblaaië en enige ander dokumente en prosesstukke soos vereis word ten tyde van die ouditering, voorgelê word aan die Provinsiale Ouditeur of die gemagtigde persoon ingevolge paragraaf (a),

(c) Die Provinsiale Ouditeur sal aan die Administrasie 'n skriftelike verslag verskaf in elke finansiële jaar, waarin verklaar word of—

- (i) daar met betrekking tot die private gesondheidsdiens of -fasiliteit voldoende boek en rekords gehou is;
- (ii) die jaarlikse balansstaat en rekeningstate van die private gesondheidsdiens of -fasiliteit en die resultate van die transaksies vir die betrokke tydperk in orde is;
- (iii) daar gehou is by die bepalinge van hierdie Hoofstuk;
- (iv) daar gehou is by alle vereistes en aanbevelings.

(7) Die raad of bestuur van enige private gesondheidsdiens of -fasiliteit wat 'n hulptoelaag ontvang het soos bepaal in subartikel (4), sal binne drie maande na die einde van hulle finansiële jaar, die Lid voorsien van 'n verslag oor die funksionering van die private gesondheidsdiens of -fasiliteit gedurende die finansiële jaar.

(8) Die bedrag van enige hulptoelaag soos na verwys in subartikel (4), sal nie finaal vasgestel word tensy die Provinsiale Ouditeur nie die verslag waarna verwys word in subartikel (6)(c) voorgelê het nie: Met dien verstande, dat die Lid in afwagting van die finalisering van die hulptoelaag, onderhewig aan die bepalinge van subartikel (11), 'n voorlopige toelaag beskikbaar stel waarvan die bedrag deur hom of haar bepaal word.

(9) Indien—

- (a) 'n private gesondheidsdiensfasiliteit wat 'n hulptoelaag ontvang het soos bepaal in subartikel (4), ingebreke gebly het om te hou by 'n voorwaarde of vereiste neergelê ingevolge subartikel (5);
- (b) 'n hulptoelaag vir 'n hoofdiens nie gebruik is vir die diens binne 'n redelike tydperk soos bepaal deur die Lid; of
- (c) 'n hulptoelaag beskikbaar gestel is in oormaat ten opsigte van die bepalinge in subartikel (8),

mag die Lid stappe doen soos nodig mag wees om die totale bedrag of 'n gedeelte van die hulptoelaag of voorlopige hulptoelaag soos bepaal in subartikel (8) te verhaal met inagneming van alle omstandighede rondom die geval.

(10) In die geval van enige konflik wat voortspruit uit die uitoefening van die bevoegdhede toegestaan aan die Lid deur hierdie artikel en die bevoegdhede toegestaan aan die plaaslike regering ingevolge enige ander wet, sal die bevoegdhede uitgeoefen deur die Lid gehandhaaf word.

(11) Die Lid mag deur regulasie voorsiening maak vir die inspeksie van enige private gesondheidsdiens of -fasiliteit deur of namens die Hoof van die Departement.

HOOFSTUK IX

ALGEMEEN

Verskaffing van mediese benodigdhede, ens. aan buite-klinieke

52. (1) Onderhewig aan die goedkeuring van die Tesourie, mag die Hoof van die Departement, so na as moontlik aan die inklusiewe kosprys, medisyne, verbandgoed, mediese benodigdhede, instrumente of ander goedere en dienste verskaf, aan enige gesondheidsdiens of -fasiliteit ingestel, gehandhaaf, georganiseer, beheer of voortgesit deur enige plaaslike regering ingevolge enige wet of aan enige private gesondheidsdiens of -fasiliteit wat 'n hulptoelaag ontvang soos bepaal in artikel 51(4) of aan enige instelling of persoon wat 'n diens verskaf, of namens 'n provinsiale gesondheidsdiensfasiliteit 'n diens verskaf, ten opsigte van hierdie diens.

(2) Enige gelde ontvang deur die Hoof van die Departement ingevolge subartikel (1) sal terugbetaal word aan die "paymaster general account" van die Departement.

Delegering van regte, bevoegdhede, pligte of funksies

53. (1) Die Lid mag enige reg, bevoegdheid, plig of funksie toeken aan die Hoof van die Departement en mag die Hoof van die Departement magtig om so 'n reg, bevoegdheid, plig of funksie te deleger na enige persoon in diens van die Departement of 'n distrik soos die Lid mag aanwys, of by gebrek aan so aanwysing, soos die Hoof van die departement mag vasstel: Met dien verstande dat geen reg, bevoegdheid, plig of funksie toegeken sal word aan die Hoof van die Departement in verband met enige saak waarvan die korrektheid van 'n besluit onderwerp is aan appèl teenoor die Lid ingevolge artikel 40 nie.

(2) Die Hoof van die Departement kan enige regte, bevoegdhede, pligte of funksie toegeken ingevolge die bepalinge van hierdie Wet deleger na 'n ander persoon in diens van die distrik soos hy of sy mag vasstel: Met dien verstande dat niks wat in hierdie artikel vervat is, geïnterpreteer sal word as 'n bemagtiging aan die Hoof van die Departement om hom- of haarself vry te stel van die verantwoordelikheid wat aan hom of haar opgedra is vir die effektiewe bestuur en beheer van die distrikte.

Regulering van verkeer op sekere terreine

54. Die Lid sal die verkeer reguleer op die terrein van enige gesondheidsdiens of -fasiliteit, kliniek, kollege of instelling ingevolge artikel 2, en mag—

- (1) regulasies neerlê vir die verbodsbepaling, beheer en regulering van verkeer;
- (2) parkering verskaf en in stand hou op hierdie terreine;
- (3) fooie vasstel wat gehef sal word vir die gebruik van die parkeerfasiliteite, voorsien ingevolge subartikel 2; en
- (4) 'n geskrewe ooreenkoms aangaan met enige persoon vir die beheer en regulering van die gebruik van die parkeerfasiliteite voorsien ingevolge subartikel (2) in ooreenstemming met enige regulasie neergelê ingevolge subartikel (1) en om fooie te hef soos bepaal ingevolge subartikel (1).

Regulasies

55. (1) Die Lid mag van tyd tot tyd regulasies neerlê wat hy of sy nodig mag ag vir die bereiking van die oogmerke van hierdie Wet, insluitend die vasstelling van tariewe of gelde vir dienste waarvoor daar nie voorsiening gemaak is nie. Verskillende regulasies kan neergelê word in sekere gevalle soos die Lid mag bepaal

(2) Elke regulasie neergelê ingevolge hierdie Wet sal gepubliseer word in die *Provinsiale Koerant* en sal binne sewe dae vanaf die publikasiedatum daarvan ter tafel gelê word voor die Provinsiale Wetgewer, indien die Wet in sitting is, of, indien dit nie in sitting is nie, binne sewe dae vanaf die aanvang van die volgende sitting.

(3) Gedurende die sitting waartydens enige regulasie ter tafel gelê is voor die Provinsiale Wetgewer, mag die Provinsiale Wetgewer—

- (i) die regulasie goedgekeur;
- (ii) die regulasie afkeur; of
- (iii) dit terugverwys na die Lid.

Boetes

56. Enige boete opgelê of enige gelde of deposito's wat verbeur is of verbeur verklaar is ingevolge hierdie Wet of die regulasies daaronder neergelê, sal inbetaal word op die Provinsiale Inkomste rekening.

Herroeping van wette en voorbehoud

57. (1) Die wette gespesifiseer in die Skedule word hierby herroep tot die omvang uiteengesit in die derde kolom van die Skedule.

(2) Enige proklamasie, regulasie, kennisgewing, bevel, verbod, outoriteit, toestemming, informasie of dokument uitgevaardig, en enige ander handeling uitgevoer onder enige van die bepaling van 'n wet herroep deur subartikel (1), sal beskou word as uitgereik onder die ooreenstemmende bepalings van hierdie Wet.

Kort titel en aanvang

58. Hierdie Wet sal bekend staan as die Noordelike Provinsie Wet op Gesondheidsdienste, 1998, en sal in werking tree op die datum vasgestel deur die Premier by wyse van proklamasie in die *Provinsiale Koerant*.

SKEDULE**WETTE HERROEP**

Nommer en jaar van wet	Kort titel	Omvang van herroeping
Ordonnansie No. 14 van 1958	Hospitaal Ordonnansie 1958	In geheel.
Wet Nr 13 van 1984	Venda Gesondheidsontwerp 1984	Artikel 28 in soverre dit van toepassing is op gesondheidsdiensfasiliteite
Gesondheidsontwerp	1978	

CONTENTS • INHOUD

<i>No.</i>	<i>Page</i>	<i>Gazette</i>
<i>No.</i>	<i>No.</i>	<i>No.</i>
PROVINCIAL NOTICE • PROVINSIALE KENNISGEWING		
4 Northern Province Health Service Act (5/1998): For general information	2	399
4 Noordelike Provinsie Wet op Gesondheidsdienste (5/1998): Vir algemene inligting	108	399
