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

Provincial Gazette
Provinsiale Koerant
Gazete ya Xifundzankulu
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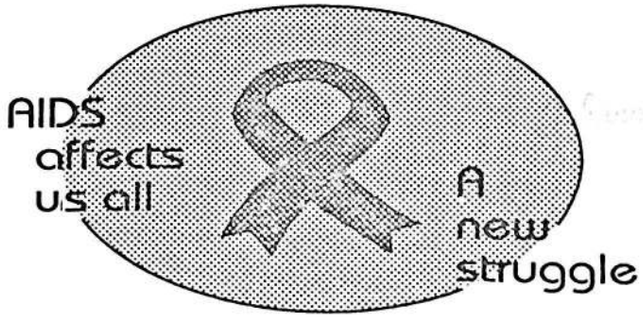
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PROVINCIAL NOTICE

OFFICE OF THE PREMIER

NO. 13 **8 April 2000**

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

No. 4 of 1999: Northern Province Interim Passenger Transport Act, 1999.

ACT

To provide for the regulation of minibus taxi-type services pending the promulgation of comprehensive public transport legislation; to provide for passenger transport planning; to provide for the establishment of a Provincial Permissions Board, a Provincial Appeal Tribunal and a Provincial Taxi Registrar; to provide for the registration of minibus taxi associations, members and non-members; to provide for the regulation and control of the minibus taxi industry; to exclude the provisions of the Road Transportation Act, 1977, from applying to minibus taxi-type services; and to provide for matters connected therewith.

(English text signed by the Premier)
(Assented on 23 March 2000)

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

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CHAPTER 1

DEFINITIONS

Definitions

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

"**Association**" means a grouping of persons operating minibus taxi-type or a body to which two or more of such groupings are affiliated, having as its main object the promotion of the group interests of its members, and which intends to apply its income in promoting such interests;

"**Authorised official**" means an inspector, any member of the South African Police Service, or any other person authorised by law to inspect motor vehicles or licences for motor vehicles or to control traffic;

"**based**" means that the majority of members of an association or inter-provincial association, or the member or non-member concerned, as the case may be, conduct their or his or her operations, respectively, within the Province;

"**Board**" means the Northern Province Permission Board established by section 2;

"**charter service**" means a service involving the charter of a motor vehicle and the driver for a pre-arranged journey and charge, to a common destination where -

(a) neither the holder nor the driver receive individual fares; and
(b) the person chartering the motor vehicle has the right to determine the route, date and time of the journey;

"**Code of Conduct**" means a set of rules binding on members of registered associations which form part of the Standard Constitution;

"**Code of Conduct for Non-Members**" means a prescribed set of rules binding on registered non-members;

"**co-operative**" means a co-operative as defined in the Co-operatives Act, 1981 (Act No 91 of 1981):

"**courtesy service**" means a passenger transport service provided by an organisation for its customers or clients without a direct charge to the user, by means of a motor vehicle of the organisation or a motor vehicle provided under contract;

"**Department**" means the Department of the Provincial Administration responsible for public transport in the Province;

"**Disciplinary Procedure**" means a set of rules forming part of the Standard Constitution that a registered association must follow to investigate a complaint of breach of the Code of Conduct by a member and for disciplining members found guilty, of breaching the Code of Conduct;

"**Northern Province Tourism Marketing Board**" means the Northern Province Tourism Marketing Board established in terms of the Northern Province Tourism Marketing Board Act, 1997 (Act No 7 of1997);

"**Grievance Procedure**" means the part of the Standard Constitution that outlines the steps to be followed when an aggrieved member or group of members of a registered association wish to raise for adjudication a matter internal to the association, and providing for the resolution of grievances through a progressive process of discussion and conflict resolution by mediation and arbitration;

"**Head of Department**" means the head of the department as defined by the Public Service Act, 1994, as amended;

"holder" in relation to a permission, means the person in whose favour the permission was issued;

"inspector" means an inspector referred to in section 9;

"international taxi service" means a minibus taxi-type service or service that takes place partly within the Republic and partly within another country or in transit through the Republic to another country;

"inter-provincial association" means an association whose members pick up or drop passengers in the Province and one or more other provinces;

"inter-provincial taxi service" means a minibus taxi-type service or service provided partly within the Province and partly within one or more other provinces, excluding an international taxi service;

"MEC" means the Member of the Executive Council responsible for public transport in the Province;

"minibus taxi" means a motor vehicle used for a minibus taxi-type service;

"minibus taxi-type service" means a public transport service provided in terms of a permission on a specific route or network of routes or within a defined area not subject to a regular timetable, by means of a motor vehicle with a seating capacity of less than 17 persons, including the driver, and where every passenger pays a separate fare, but excludes a service;

"motor vehicle" means a motor vehicle as defined in the Road Traffic Act, 1989 (Act No 29 of 1989);

"municipality" -

(a) until the legislation envisaged in section 155(2) of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996), takes effect, means any local government body vested with municipal legislative and executive jurisdiction (whether on an exclusive or a shared basis) in respect of a particular area in terms of the Local Government Transition Act, 1993 (Act No 209 of 1993), in compliance with section 155(1) of the Constitution;

(b) as from the date when that legislation takes effect, means any municipality as contemplated in that legislation;

"non-member" means the holder of a registered permission, who does not belong to a registered association;

"operator" means a person authorised by a permission to provide a minibus taxi-type service;.

"Panel" means the Panel of Assessors appointed under section 31.

"permit" means a permit authorising minibus taxi-type services or services issued under this Act and includes a document recognised as a permit by this Act or by the MEC by notice in the *Provincial Gazette*.

" permission" means a permission required by section 34, granted and issued in accordance with Chapter 8, but does not include a special permission

"planning authority" means the competent authority responsible for preparing a passenger transport plan as contemplated in section 17;

"prescribe" means prescribe by regulation, and **"prescribed"** has a corresponding meaning;

"Province" means the Northern Province;

"Provincial Urban Transport Fund" means the fund established by section 8A of the Urban Transport Act, 1977 (Act No 78 of 1977);

"public transport service" means a service for the conveyance of persons by road provided for a fare, reward or other consideration. ;

"registered" means registered or conditionally registered under chapter 5;

"Registrar" means the Northern Province Provincial Registrar appointed under section 26;

"regulation" means a regulation made under this Act;

"relevant association" in relation to a permission application, means an association whose members operate on the route, route network or within the area to which the application relates;

"Standard Constitution" means a prescribed set of rules and procedures that govern the affairs of registered associations, and includes a Code of Conduct, a Grievance Procedure and a Disciplinary Procedure for members of those associations;

"this Act" includes the regulations;

"tourist service" means a public transport service, for the carriage of tourists, who have pre-booked on a tour itinerary which is publicly available, to tourist attractions;

"Transport Appeal Tribunal" means the Transport Appeal Tribunal established by section 2 of the Transport Appeal Tribunal Act, 1998;

"transport forum" means a local transport forum or a regional transport forum, as the case may be;

"Tribunal" means the Provincial Appeal Tribunal established under section 10;

"unauthorised services" means public transport services not authorised by any permission and includes such services undertaken by the holder of a permission otherwise than in accordance with the provisions of the permission.

CHAPTER 2

NORTHERN PROVINCE PERMISSIONS BOARD

Establishment of Northern Province Permissions Board

2. The MEC shall establish a single permissions board for the province and appoint as members thereof persons who are characterised by their independence, impartiality and fairness and who further are suitable for membership by reason of their understanding of and expertise in or knowledge of the public transport industry and not having any direct or indirect financial interest in that industry.

Composition of Board

3. (1) The Board shall consist of -

(a) a chairperson who, in the opinion of the MEC, is a fit and proper person to serve as chairperson of the Board; and

(b) not more than 4 other members who, in the opinion of the MEC, have appropriate knowledge of or experience with regard to public transport, industrial, commercial, financial or legal matters or in the conduct of public affairs,

and who shall be appointed by the MEC.

(2) A member of the Board shall hold office for such period, not exceeding three years, as the MEC may determine at the time of his or her appointment, and shall be eligible for reappointment at the end of his or her term of office.

(3) The MEC may, after he or she has afforded a member of the Board the opportunity to state his or her case, at any time terminate the term of office of any member if such member has become disqualified in terms of subsection (5) or on the ground of misconduct, incapacity or incompetence.

(4) The MEC shall, in accordance with subsection (1), fill a casual vacancy on the Board by the appointment of another person for the remainder of the period for which the person in respect of whom the vacancy arose, had been appointed.

(5) (a) A person shall not be appointed or remain a member of the Board -

(i) if such person -

(aa) is a minor or suffers from another legal disability;
(bb) is or becomes an unrehabilitated insolvent or commits an act of insolvency;
(cc) has at any time been, or is, removed from a public office on account of misconduct;
(dd) has at any time been, or is, convicted, whether in the Republic or elsewhere of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Corruption Act. 1992 (Act No 94 cf 1992), or any offence involving dishonesty; or
(ee) without the leave of the Board, is absent from three consecutive meetings of the Board; or
(ff) has been nominated as a candidate in any election of members of the National Assembly or a provincial legislature in terms of the Electoral Act, 1998 (Act No. 73 of 1998), or as a candidate in any election or by-election of a municipality in terms of any law; or
(gg) has been nominated to fill a vacant seat in Parliament or a provincial legislature;

(hh) if such person, whether personally or through his or her spouse, immediate family member, business partner or associate, has or acquires a direct financial interest in any business or enterprise

relating to public transport that may, in the opinion of the MEC, conflict or interfere with the proper performance of his or her functions as a member of the Board.

(b) For the purposes of paragraph (a) -

(i) "spouse" includes a person with whom the member lives as if they were married or with whom the member habitually cohabits;

(ii) "immediate family member" means a parent, child. brother or sister.

(c) A person shall, prior to his or her appointment as a member, submit to the MEC a written statement in which it is declared whether or not he or she is disqualified in terms of paragraph (a)(i) and whether or not he or she has any interest as referred to in paragraph (a)(ii).

(d) If any member during his or her term of office acquires or contemplates acquiring an interest which could possibly be an interest contemplated in paragraph (a)(ii), he or she shall forthwith in writing declare that fact to both the MEC and the Board, which at its following meeting shall consider whether such an interest constitutes or may constitute a contravention of paragraph (a)(ii), and if it is considered not to be a contravention, whether such acquisition or contemplated acquisition is likely to compromise the impartiality of the Board.

(e) The Board shall forthwith in writing inform the MEC of the Board's decision or recommendation contemplated in paragraph (d).

(f) The MEC shall, after consideration of the Board's decision or recommendation, inform the member concerned if the acquisition or contemplated acquisition constitutes an interest contemplated in paragraph (a)(ii) or is likely to compromise the impartiality of the Board, whereupon that member shall forthwith divest himself or herself of that interest, failing which the MEC shall take action in terms of subsection (3).

(6) (a) A member of the Board shall not vote, attend or in any other manner participate in or influence the proceedings at any meeting of the Board if, in relation to any matter before the Board, he or she has any interest which precludes him or her from performing his or her functions as a member of the Board in a fair, unbiased or proper manner.

(b) If at any stage during the course of any proceedings of the Board it appears that a member of the Board has or may' have any interest as referred to in paragraph (a) -

(i) that member shall forthwith and fully disclose the nature of his or her interest and leave the meeting so as to enable the remaining members of the Board to discuss the matter and determine whether that member should be prohibited from participating in the further proceedings at such meeting by reason of a conflict of interests; and

(ii) such disclosure, and the decision taken by the remaining members of the Board in that regard, shall be recorded expressly in the minutes of the meeting in question.

(c) If any member of the Board fails to disclose any interest referred to in paragraph (a) or if, having such an interest, he or she attends or in any manner participates in or directly influences the proceedings at the meeting concerned, the relevant proceedings shall be null and void.

Meetings of Board

4. (1) The first meeting of the Board shall be held on such a date and at such a time and place as the MEC may determine, and all meetings thereafter shall be held on such dates and at such times and places as the chairperson may determine in consultation with the Board.

(2) If the chairperson is absent from a meeting of the Board, the members present must elect one from among their number to preside at that meeting.

(3) The quorum for a meeting of the Board shall be the majority of the total number of members of the Board.

(4) A decision of the Board shall be taken by a majority of the votes of the members present at a meeting of the Board, and in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to his or her deliberative vote.

(5) The Board will have its seat and administrative offices at a place determined by the MEC and made knows by the MEC by notice in the provincial gazette

(6) The MEC may, for the convenience of the public, establish a sub-office for the permissions board for any region in the province, and where-

(a) applications to the permissions board may be lodged and received;

(b) assistance may be rendered to the public in the making of applications;

(c) permissions granted, renewed, amended or transferred by the permissions board, and any distinguishing marks for the vehicles to which the permissions relate, may be issued.

Procedure at meetings of Board

5. (1) The Board may, for the purpose of dealing with a matter before it in terms of this Act or any other law -

(a) allow a person affected by or interested in the matter, or the duly authorised representative of such a person, to appear before it and -

(i) to give evidence or make oral representations relevant to the matter; or

(ii) to call witnesses and lead evidence on a question relevant to the matter; or

(iii) to question a person who testified as a witness in the matter;

(b) by written notice as prescribed and served in the manner prescribed, require a person to appear before it to give evidence or to produce a book, plan or other document or article in his or her possession or under his or her control;

(c) call upon a person present in or at the place where the matter is dealt with, to appear before it to give evidence or to produce a book, plan or other document or article which such person has with him or her;

(d) question a person appearing before it as a witness;

(e) refuse to hear a person appearing before it as a witness who refuses to be sworn or to be affirmed.

(2) The person presiding at a meeting of the Board at which a person appears as a witness may administer an oath or affirmation to the person so appearing.

(3) The Board must provide an interested party on request with written reasons for a decision taken by it.

Remuneration and allowances of members of Board

6. (1) Members of the Board who are not in the full-time service of a provincial or the national government, shall in respect of their services be paid such remuneration and allowances as may be determined by the MEC.

(2) The remuneration and allowances of the persons referred to in subsection (1) may differ according to the different offices held by them or the different functions performed by them.

Staff of Board

7. The head of department must, subject to the laws governing the public service, provide the staff necessary to assist the Board in the performance of its functions.

Functions of Board

8. The Board shall consider and give a decision on, or otherwise deal with applications made to it in accordance with the provisions of this Act or the Road Transportation Act. 1977(Act No 74 of 1977), and shall for this purpose take into account any provincial transport policy.

Designation of inspectors

9. The Head of Department may designate any officer in the employ of the Department as a public transport inspector, whose powers and duties shall be as prescribed.

CHAPTER 3

PROVINCIAL APPEAL TRIBUNAL

Establishment of Provincial Appeal Tribunal

10. (1) The MEC must by notice in the Provincial Gazette establish a Provincial Appeal Tribunal.

(2) The Tribunal shall consist of three members appointed by the MEC of whom one has at least 10 years' experience in practice as an advocate or attorney, and the other members must possess wide experience of or have shown ability in public passenger transport or commercial or financial matters or the conduct of public affairs.

(3) The MEC shall appoint one of the members to be chairperson of the Tribunal.

(4) Sections 3(2) to (6), 5, 6 and 7 shall, with the changes required by the context, apply in respect of the Tribunal.

Meetings of Tribunal

11. (1) The first meeting of the Tribunal shall be held on such a date and at such a time and place as the chairperson may determine, and all meetings thereafter shall be held on such dates and at such times and places as the chairperson may determine in consultation with the Tribunal.

(2) If the chairperson is absent from a meeting of the Tribunal, the members present must elect one from among their number to preside at that meeting.

(3) The procedure at a meeting of the Tribunal shall, subject to this section, be determined by the chairperson in consultation with the Tribunal, and any decision in this regard shall be taken after due consideration of the principles of openness and transparency.

(4) The quorum for a meeting of the Tribunal shall be the majority of the members of the Tribunal.

(5) A decision of the Tribunal shall be taken by a majority of the votes of the members present at a meeting of the Tribunal, and in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to his or her deliberative vote.

Appeal to Tribunal

12. (1) Save as otherwise provided in this Act and subject to subsection (2), a person who -

(a) has in terms of this Act or the Road Transportation Act, 1977, applied to the Board for the granting, renewal, amendment or transfer of a permission or whose permission has been withdrawn, varied or suspended by the Board;

(b) is the holder of a permission issued by the Board;

(c) in the manner and within the time prescribed, submitted representations to the Board objecting to or supporting an application,

and is affected by an act, direction or decision of the Board, may, in the manner and within the time prescribed, after the said act was performed or the said direction or decision was given by the Board, appeal against the act, direction or decision to the Tribunal.

(2) Where the Board notifies a person of a direction or decision contemplated in subsection (1) by means of a written document, the date of that document shall be deemed to be the date on which that direction or decision was given

(3) The Tribunal must receive and, subject to the provisions of this section and the regulations, consider an appeal lodged with it in terms of subsection (1) and may, in its discretion -

(a) reject the appeal and confirm the act, direction or decision appealed against; or

(b) uphold the appeal, set aside the act, direction or decision appealed against, and -

(i) substitute the Board's decision with any other act, direction or decision which the Board could have performed or given;. or

(ii) remit the matter which gave rise to the appeal to the Board for consideration afresh; or

(c) uphold the appeal partially and vary the act, direction or decision appealed against. .

(4) The chairperson of the Tribunal or a member thereof nominated by the chairperson may, in his or her discretion and without giving prior notice to or hearing any interested party -

(a) grant an application for condonation of the late filing of a notice of appeal, provided the appeal is lodged in the manner prescribed within 42 days after the Board performed the act or gave the direction or decision appealed against, or refuse it;

(b) grant or refuse an application to suspend the operation of an act, direction or decision of the Board appealed against;

(c) set aside an act, direction or decision of the Board appealed against and remit the matter to the Board for consideration afresh.

(5) An act, direction or decision of the Tribunal under subsection (3)(b)(i) or (c) shall, except for the purposes of subsection (1), be deemed to be an act, direction or decision of the Board.

(6) In so far as appeals relating to minibus taxi-type services are concerned, this section shall apply only where the minibus taxi-type services are conducted entirely within the Province.

Staff of Tribunal

13. The head of department must, subject to the laws governing the public service, provide the staff necessary to assist the Tribunal in the performance of its functions.

CHAPTER 4

TRANSPORT PLANNING

General principles for transport planning, and its relationship with land development

14. (1) Subject to this section, land transport planning must be so carried out as to cover both public and private transport and all the modes of land transport

relevant in the area concerned, and must focus on the most effective and economic way of economic way of moving from point to point in the system.

(2) Land transport planning must be integrated with the land development process. For that purpose, the transport plans required by this Act must be accommodated in and form an essential part of the integrated development plans which, in terms of any relevant local government laws are to be prepared by municipalities.

(3) Transport plans must be so developed as to-

(*a*) enhance the effective functioning of cities, towns and rural areas through integrated planning of transport infrastructure and facilities, transport operations including freight movement, bulk services and public transport services within the context of those integrated development plans and the land development objectives set in terms of section 27 of the Development Facilitation Act, 1995, or, where applicable, land development objectives of that nature set in terms of relevant provincial laws;

(*b*) direct employment opportunities and activities, mixed land uses and high density residential development into high demand public transport corridors interconnected through development nodes within the corridors, and discourage urban sprawl where public transport services are inadequate;

(*c*) give priority to infilling and densification along public transport corridors;

(*d*) give higher priority to public transport than private transport by ensuring the provision of adequate public transport services and applying travel demand management measures to discourage private transport;

(*e*) enhance accessibility to public transport services and facilities; and

(*f*) minimise adverse impact on the environment.

(4) Public transport planning must be viewed as a continuous process by which planning authorities professionally develop and implement integrated public transport services for their areas.

(5) Unless clearly inappropriate or not reasonably practical in the circumstances, a planning authority, in preparing any public transport plan or integrated transport plan, must ensure co-ordination and integration within and between land transport modes so as to optimise the accessibility and utilisation of public transport services, facilities and infrastructure.

Provincial land transport framework

15. (1) The MEC must annually, not later than a date to be agreed to with the Minister prepare a provincial land transport framework for the province for the five year period commencing on the first day of the next ensuing financial year, with due regard to the

provisions of subsection (2) and in accordance with the guidelines and in the manner and form as generally prescribed by the Minister, and must at the same time submit a copy of that framework to the Minister.

(2) The provincial land transport framework must serve to guide land transport in the province, including land transport to and from neighbouring provinces.

(3) The provincial land transport framework must-

(*a*) be consistent with the province's official vision, policy and objectives;

(*b*) specify the changes to the province's land transport policies and strategies since the previous year's five-year plan;

(*c*) include a priority list showing, in order of precedence, a summary of the projects and project segments to be carried out in that five year period, and the cost of each. This summary must include those projects identified in public transport plans and integrated transport plans in the province. This list must be prepared with due regard to the relevant integrated development plans prepared in terms of any relevant local government law and the relevant land development objectives set in terms of section 27 of the Development Facilitation Act, 1995, or, where applicable, land development objectives of that nature as set in terms of a law of the province;

(*d*) describe the measures to be taken by the province with a view to ensuring proper co-ordination between the transport plans of the planning authorities in respect of which the province has jurisdiction, where appropriate;

(*e*) set out the estimated funding requirements for each of the five years, and indicate the sources from which the necessary funds are expected to be obtained;

(*f*) include the province's detailed budget with regard to land transport for the relevant financial year in the format prescribed by the Minister;

(*g*) specify the province's financial strategies for funding projects in the short term;

(*h*) set out a general strategy or plan for the movement of dangerous substances by road along designated routes;

(*i*) set out the key performance indicators to be used to measure the performance by planning authorities of their functions and responsibilities in terms of this Act; and

(*j*) where a law of the province requires that any other short-term matter be dealt with in that framework, deal with that matter in compliance with that law.

(4) The provincial land transport framework submitted to the Minister in terms of this section must be accompanied by copies of all agreements regarding inter-provincial transport concluded between the province and other provinces.

Types of plans required by this Act

16. (1) The following plans are required for the purposes of this Act:

(*a*) Current public transport records provided for in section 18.
(*b*) Permissions strategies provided for in section 19.
(*c*) Rationalisation plans provided for in section 20.
(*d*) Public transport plans provided for in section 21.
(*e*) Integrated transport plans provided for in section 22.

(2) The process begins with the preparation of the current public transport record which provides the basis for developing-

(i) a permissions strategy;
(ii) a rationalisation plan before the process of tendering for subsidised service contracts that are to be provided for in a public transport plan;
(iii) a public transport plan.

(*a*) A rationalisation plan is a tactical plan whereas a public transport plan and an integrated transport plan are strategic and operational plans.

(3) Long distance services, charter services, staff services and tourist services are not to be provided for or made subject to any of the plans mentioned in subsection (1).

(4) Before or on the date determined in terms of section 15(1) the planning authority must have a notice, in English and at least one other official language, published in a newspaper circulating in the area of the planning authority and indicating that the plan concerned has been completed and is available for inspection at a place stated in the notice.

(5) The MEC may provide financial or other assistance to planning authorities to enable them to fulfil their obligations under this section.

(6) Where a planning authority cannot or does not fulfil its obligations in terms of this section, the MEC may act in accordance with the provisions of section 139(1) of the Constitution, which will apply reading in the changes necessary in the context.

Planning authorities

17. (1) Plans contemplated in section 16(1)*(a)* and *(b)* and, where appropriate, section 16(1)*(c)*, *(d)* and *(e)*, must be prepared by the following authorities, to be known as planning authorities:

(a) Core cities designated under section 4 of the Urban Transport Act, 1977 in respect of their MTAs;

(b) Other municipalities in the Province whose jurisdictional areas have not been included wholly or partly in MTAs, and which the MEC designates for this purpose by notice in the Provincial Gazette-

(i) in agreement with the Minister; and

(ii) by virtue of the demand for and supply of public transport to and from the area and passenger transport activities through the area.

Municipalities so designated must prepare the relevant plans for their respective jurisdictional areas.

(2) *(a)* A planning authority may enter into an agreement with any other planning authority or the department to assist it in performing its functions in terms of this section.

(b) However, such an agreement does not detract from the planning authority's ultimate responsibility for the functions entrusted to it by this section.

Current public transport records

18. (1) As soon as reasonably possible after the commencement of this Act, but not later than a date to be determined by the MEC in consultation with the Minister, every planning authority must prepare for its area a current public transport record that complies with the requirements of this section.

(2) The current public transport record must be prepared in accordance with the document titled "Requirements and Format for Preparation of Current Public Transport Records by Core Cities" published in the *Gazette* on 22 May 1998 under General Notice No. 847 of 1998, taking into account the changes necessary in the context, and showing-

(*a*) all of the following services that are operated in the area of the planning authority:

(i) All scheduled services that are-

(*aa*) provided in terms of interim contracts;

(*bb*) provided in terms of current tendered contracts;

(*cc*) operated by an existing municipal transport operator;

(*dd*) operated by an existing parastatal transport operator;

(*ee*) operated in terms of permissions or permissions where the service is for daily commuting;

(*ff*) operated as staff services having a material impact on the public transport system;

(*gg*) public transport services of any other nature provided in terms of a contract for any contracting authority;

(hh) provided by any other operator or in any other manner, whether lawful or unlawful.

(ii) All unscheduled services-

(*aa*) for daily or non-daily commuting, operated under the authority of permissions and converted to permissions in terms of section 35;

(*bb*) operated as metered taxi services under the authority of permissions or permissions;

(cc) provided by any other operator or in any other manner, whether lawful or unlawful.

(iii) All scheduled services, unscheduled services and services provided in terms of commercial service contracts; and

(*b*) all the facilities and infrastructure in place and utilised in the area concerned for the purpose or in connection with the public transport services mentioned in subparagraphs (i) to (iii) of paragraph (*a*), as well as the facilities and infrastructure being developed for that purpose or in that connection within the area concerned.

(3) The current public transport records-

(*a*) must be submitted to the MEC by the planning authorities not later than the date determined for that purpose by the MEC with the agreement of the Minister and made known by the MEC by notice in the *provincial gazette*;

(*b*) must be updated by planning authorities on a continuous basis by recording changes in the supply of public transport services with regard to their respective areas, due regard being had, amongst others, to the amendment, transfer, suspension, lapsing, withdrawal and issuing of permissions or permissions by the permissions board;

(*c*) constitute the basis for the development of permissions strategies, rationalisation plans and public transport plans.

Permissions strategies

19. (1) For the purpose of ensuring that planning authorities' recommendations to the permissions board will enable that board, in disposing of applications regarding permissions, to achieve a balance between public transport supply and demand that is both effective and efficient, every planning authority must, in the absence of a public transport plan, prepare a plan known as a permissions strategy which contains and sets out the planning authority's policy and strategies in relation to-

(*a*) the role of each transport mode with regard to its area;

(*b*) the circumstances in which permissions or permissions authorising the operation of public transport within any part of its area, should be allowed;

(*c*) the use of public transport facilities within its area;

(*d*) the avoidance of wasteful competition between transport operators;

(*e*) the conclusion of commercial service contracts for unsubsidised public transport services; and

(*f*) the conditions which it would prefer the permissions board to impose in respect of permissions.

(2) Every planning authority must ensure that its permissions strategy is updated on a continuous basis and consolidated regularly, but at least twice a year.

Rationalisation plans

20. (1) Where it is proposed that a public transport service being operated in terms of a current tendered contract or interim contract, or by a municipal or parastatal operator, be continued, after expiry of the contract in terms of which it is operated, in terms of a subsidised service contract, the planning authority in whose area the service is operated must prepare a rationalisation plan, for submission to the MEC, before the service to be operated in terms of the subsidised service contract, is put out to public tendering, with a view to:

(*a*) minimising the level of subsidy;

(*b*) avoiding competition on the road between subsidised services;

(*c*) structuring subsidised service contracts in such a way as to attract adequate competitive bidding by qualifying tenderers;

(*d*) ensuring that routes and route networks are optimised so as to meet passenger demand effectively and efficiently; and

(*e*) facilitating the future development of an integrated public transport system.

(2) Every rationalisation plan must be followed up by a public transport plan, giving operational effect to the rationalisation plan.

(3) The rationalisation plan must contain-

(*a*) the changes proposed to the existing routes or networks, or both;

(*b*) the proposed changes to the passenger carrying capacity being provided on the routes or networks, or both;

(*c*) the manner proposed for the structuring of contracts for competitive tendering;

(*d*) the potential impact of the rationalisation on the various transport modes;

(*e*) an indication of the improvements to be effected for the benefit of passengers;

(*f*) an indication of the obstacles foreseen with regard to the implementation of the plan, and the strategies proposed to overcome them.

Public transport plans

21. (1) A planning authority that has prepared a rationalisation plan must prepare a public transport plan with a view to determining and specifying the public transport services that it wishes to have provided-

(*a*) in terms of commercial service contracts for-

(i) scheduled services;

(ii) unscheduled services;

(iii) metered taxi services;

(*b*) in terms of subsidised service contracts for scheduled services;

(*c*) as uncontracted services that are-

(i) scheduled services;

(ii) unscheduled services;

(iii) metered taxi services,

and operated without subsidy other than those provided in terms of a commercial service contract contemplated in paragraph *(a)*.

(2) The public transport plan must be prepared with a view to developing and implementing the integration of public transport services and should contain-

(a) the planning authority's vision, goals and objectives for public transport in its area;

(b) the planning authority's strategies for-

(i) determining the role for each mode;

(ii) minimising the level of subsidy and enhancing commercial viability;

(iii) avoiding wasteful competition on the road between public transport services;

(iv) structuring subsidised service contracts and commercial service contracts in such a way as to attract competitive bidding by qualifying tenderers;

(v) ensuring that routes and networks are optimised so as to meet passenger demand effectively and efficiently; and

(vii) facilitating the future development of an integrated public transport system; and

(c) the operational plan including-

(i) all contracts envisaged in subsection (1)*(a)* and *(b)*;

(ii) the permissions strategy for services envisaged in subsection (1)*(c)*.

Integrated transport plans

22. (1) The MEC may require planning authorities to prepare annually, not later than 60 days before the beginning of the relevant financial year, for their respective areas, integrated transport plans for the five year period commencing on the first day of that financial year-

(a) in accordance with guidelines and in the manner and form as generally prescribed by the MEC; and

(b) which comply with subsection (2), and at the same time submit the plan so prepared to the Minister.

(2) The integrated transport plan must-

(a) be consistent with national and provincial policies and the planning authority's official vision, policy and objectives, due regard being had to any relevant integrated development planning or land development objectives;

(b) specify the changes to the planning authority's land transport policies and strategies since the previous year's five-year plan;

(c) include a priority list showing, in order of precedence, the projects and project segments to be carried out in that five year period, and the cost of each. This list must be prepared with due regard to the relevant integrated development plans prepared in terms of any relevant local government law and the relevant land development objectives set in terms of section 27 of the Development Facilitation Act, 1995, or, where applicable, land development objectives of that nature as set in terms of a law of the province;

(d) set out the estimated funding requirements for each of the five years, and indicate the sources from which the necessary funds are expected to be obtained;

(e) include the planning authority's detailed budget with regard to land transport for the relevant financial year in the format prescribed by the MEC;

(f) specify the planning authority's financial strategies for funding projects in the short term;

(g) include the planning authority's public transport plan;

(*h*) set out a general strategy for travel demand management; and

(*i*) set out a general strategy or plan for the movement of dangerous substances by road along designated routes.

General provincial principles and policy for land transport in the context of development

23. (1) The MEC, by notice in the provincial gazette, may-

(*a*) prescribe principles for land transport in the province not inconsistent with the general principles mentioned in section 15 or the policy made known or further prescribed by the Minister, that are in support of development; and

(*b*) publish in the provincial gazette, for general information, the provincial policy relating to land transport in the context of spatial development or any aspect thereof which is consistent with the principles of national land transport policy prescribed by the Minister and thereupon the provincial policy must be applied and complied with in the province.

Conflicts between transport planning and land development objectives or planning

24. (1) Every planning authority must ensure that any transport plan prepared in terms of this Act is not inconsistent with the land development objectives prepared under section 30 of the Development Facilitation Act, 1995 or, where applicable, a law of the province, or with integrated development planning conducted in terms of any relevant local government law.

(2) Where a transport plan prepared in terms of this Act is inconsistent with existing land development objectives, or existing integrated development planning of a municipality, and the matter cannot be resolved between the planning authority and the municipality, the planning authority must refer the matter to the MEC, who must decide the matter in consultation with the MEC responsible for land affairs.

(3) No transport planning may be undertaken unless there has been consultation with the relevant interest groups in the manner prescribed.

MEC's power to make regulations regarding transport planning

25. (1) The MEC, by notice in the provincial gazette, may make regulations-

(*a*) prescribing requirements regarding the procedures for, and the preparation, adjustment, revision, updating, submission and content, of transport plans required by this Act;

(*b*) prescribing guidelines for the provision of public transport services and facilities by planning authorities and for their regulating the use thereof;

(*c*) with regard to the co-ordination of land transport in all areas under the jurisdiction of the province;

(*d*) with regard to matters or factors of provincial concern to be taken into consideration in preparing permissions strategies, public transport plans or integrated transport plans; and

(*e*) prescribing any matter which, in terms of this Chapter, may or must be prescribed by the MEC.

CHAPTER 5

APPOINTMENT OF PROVINCIAL TAXI REGISTRAR AND REGISTRATION OF TAXI ASSOCIATIONS, MEMBERS AND NON-MEMBERS

Provincial Taxi Registrar

26. (1) The MEC must appoint a fit and proper person as Provincial Taxi Registrar who must perform the functions conferred on or assigned to him or her by or under this Act, who must exercise or perform the powers, functions and duties of that office independently, fairly and impartially.

(2) The Registrar shall hold office for such period, not exceeding five years, as the MEC may determine at the time of his or her appointment, and shall be eligible for reappointment at the end of his or her term of office.

(3) (a) No person may be appointed as Registrar if such person whether personally or through his or her spouse, immediate family member, business partner or associate, has or acquires a direct or indirect financial interest in any business or enterprise relating to public transport that may, in the opinion of the MEC, conflict or interfere with the proper performance of his or her functions as Registrar.

(b) For the purposes of this subsection "spouse" and "immediate family member" shall have the meanings assigned to them in section 3(5)(b).

(4) When the Registrar is temporarily absent or unable to perform his or her functions, the MEC may appoint an acting Registrar to act temporarily in the Registrar's stead.

(5) The MEC may, after he or she has afforded the Registrar the opportunity to state his or her case, at any time terminate the Registrar's term of office if he or she has become disqualified in terms of subsection (3) or on the ground of misconduct, incapacity or incompetence.

(6) When the office of Registrar is vacant, the MEC must take immediate steps to appoint a replacement.

(7) The Registrar may for the purpose of carrying out his or her functions under this Act-

(a) allow a person affected by or interested in a matter, or the duly authorised representative of such a person, to appear before him or her and -

(i) to give evidence or make oral representations relevant to the matter; or

(ii) to call witnesses and lead evidence on a question relevant to the matter; or

(iii) to question a person who testified as a witness in the matter;

(b) by written notice require a person to appear before him or her to give evidence or to produce a document in his or her possession or under his or her control;

(c) question a person appearing before him or her as a witness;

(g) criteria and application procedures for membership and rights, duties and listing of members;

(h) procedures for and matters to be dealt with at annual and special general meetings;

(i) finances and external auditing;

(j) procedure for amendment of the constitution;

(k) requirements for amalgamation with other associations;

(l) dissolution of the association;

(m) a code of conduct, disciplinary procedures and appeal procedures;

(n) grievance procedures; and

(o) any other matter as prescribed.

(3) The MEC may make regulations -

(a) prescribing the manner in which an association or non-member must apply for registration;

(b) prescribing the fees payable to the Registrar in respect of an application for registration and annual fees which may be payable to the Registrar by an association or non-member;

(c) prescribing the form and contents of registration certificates;

(d) prescribing the method of inquiry into allegations of improper conduct or the alleged failure of an association or non-member to comply with the provisions of its constitution or the Code of Conduct for Non-Members, respectively;

(e) prescribing the minimum number of members an association must have in order to be eligible for registration;

(f) prescribing the minimum period for which an association must have been in existence in order to qualify for registration;

(g) as to investigations and requirements regarding the application by associations of their funds,

Provided that different regulations may be made for different areas in the Province.

(4) Only persons and associations registered under this Act shall be -

(a) entitled to training that may be funded wholly or in part by the Department;

(b) entitled to assistance that may be provided in order to establish a co-operative for the holders of permissions;

(c) entitled to economic assistance that may be allocated to members of co-operatives;

(d) eligible to become a member of a co-operative;

(e) eligible to tender for subsidised or commercial service contracts;

(f) entitled to other forms of assistance that may be provided to holders of permissions and associations; and

(g) entitled to apply for a permission.

Registration of associations, members and non-members

29. (1) An association or inter-provincial association, and each member thereof or a non-member, must in the prescribed manner and accompanied by the prescribed application fees, submit a written application for registration to the Registrar: Provided that an application for registration which has at the commencement of this Act -

(a) already been granted, shall be deemed to have been granted in terms of this Act; and

(b) not been finalised, shall be deemed to be an application for registration in terms of this Act.

(2) The Registrar must grant a certificate of conditional registration and a registration number to an association and each of its members who upon application satisfies him or her -

(a) that it has been in existence for the prescribed minimum period: Provided that the Registrar shall have a discretion to register associations that have been in existence for lesser periods where in his or her opinion this is justified;

(b) that the number of its members meets the prescribed minimum number: Provided that the Registrar shall have a discretion to register associations with fewer members where in his or her opinion this is justified for geographical or demographic reasons;

Provided that the conditional registration granted to an association shall lapse the Association or non-member has not been granted full registration within six months from the date of granting of the conditional registration.

(3) The Registrar must grant a certificate of registration and registration number to an association or inter-provincial association who upon application satisfies the Registrar that -

(a) it has been in existence for the prescribed minimum period, subject to the proviso in subsection (2)(a);

(b) the number of members meets the prescribed minimum number, subject to the proviso in subsection (2)(b);

(c) the constitution submitted by the association has been signed and accepted by each of its members and is consistent with and encompasses the provisions of the Standard Constitution and other prescribed requirements;

(d) the joining fee, annual membership fees and other Fees payable to the association by its members do not exceed the prescribed maximum;

(e) each member in respect of- whom application is made holds a permission for each motor vehicle that he or she operates and that

the operations are legally within the authority of such permissions; and

(f) it has supplied all of the information required by the Registrar or as prescribed, and the information has been verified in the prescribed manner.

(4) The Registrar must grant a certificate of registration to a member of a registered association or inter-provincial association based in the Province who upon application by such association satisfies the Registrar that -

(a) the association or inter-provincial association to which the member belongs is registered;

(b) the member holds a permission for each motor vehicle that he or she operates and that the operations are legally within the authority of such permissions;

(c) the member has signed and agreed to abide by the constitution submitted by the registered association of which he or she is a member; and

(d) the member has supplied all of the information required by the Registrar or as prescribed, and the information has been verified in the prescribed manner.

(5) The Registrar must grant a certificate of registration to a non-member based within the Province who upon application satisfies the Registrar that -

(a) the non-member has subscribed to the Code of Conduct applicable in the province;

(b) the non-member-

(i) holds an appropriate permission or permission for each vehicle by means of which the non-member operates a public transport service; and

(ii) operates the public transport service to which such a permission relates, in compliance with the terms of, and conditions attached to, the authorisation conferred by the permission;

(c) the application for registration has been made-

(i) to the Registrar of the province; and

(ii) in the manner provided for in this Chapter, accompanied by the application fee prescribed by the MEC;

(d) the non-member, if a juristic person,-

(i) has been in existence for a period not shorter than the period determined by the MEC by notice in the provincial gazette; and

(ii) the members of which, in the case of a company or close corporation incorporated or registered in terms of the Companies Act , 1973 (Act No. 61 of 1973), or the Close Corporations Act, 1984 (Act No. 69 of 1984), respectively, do not include two or more persons who, at the time of formation of the company or close corporation, or at any time thereafter, were the operators of public transport services which are substantially the same as the public transport services operated by that company or close corporation; or

(e) The applicant's registration as a non member is ascribable to the following causes:

(i) There is no registered association with regard to the route or routes where the applicant's public transport service is operated; or

(ii) where there is such a registered association, if-

(aa) the applicant has been refused membership of the association; or

(bb) the applicant does not meet the association's requirements for admission to membership; or

(cc) the association's requirements for admission to membership are unfair; or

(dd) in view of the prevailing circumstances, the applicant reasonably cannot be expected to become a member of the association; or

(ee) the applicant, if admitted to membership of the association, will be subjected to unfair discrimination.

(6) If after considering the application for registration, the Registrar is not satisfied that the applicant has complied with the requirements for registration, he or she must inform the applicant of the requirements not met, and may provide the applicant with advice and assistance in order to enable the applicant to meet the requirements for registration.

(7) On registration of an inter-provincial association or non-member who undertakes inter-provincial taxi services, the Registrar must forward a copy of the certificate of registration to the Registrar in each province to or from which the members of the association or the non-member operate.

(8) An association or non-member registered in another province must sign a declaration on the prescribed form that such an association or non-member shall comply with the provisions of the Code of Conduct or Code of Conduct for Non-Members, respectively and, in the case of an association, the Grievance and Disciplinary Procedures will apply.

(9) The Registrar may deregister an association, member or non-member on application, or where -

(a) the association, member or non-member has been struck off- the register under section 33;

(b) the association has ceased to exist or has moved its base of operations outside of the Province;

(c) a member or non-member is no longer the holder of a valid permission covering his or her operations.

(10) The Registrar must notify the Board of any deregistration of an association or of a non-member, whereupon the Board must withdraw -

(a) the permissions of all members of such an association, except where deregistration is the result of the association moving its base of-operations outside of the Province;

(b) the permission of the non-member concerned.

(11) No association may be represented on a local taxi council or transport forum contemplated in this Act, or provide recommendations regarding permission applications under this Act, and no association or non-member shall be eligible to enjoy benefits provided in terms of this Act by a government department or institution in any sphere of government, unless such association or non-member is registered in terms of this Act.

Distinguishing marks

30. (1) The Registrar may issue a distinguishing mark or marks for each vehicle legally operated by registered members and non-members.

(2) A registration certificate and distinguishing mark issued shall be in the form as prescribed.

Panel of Assessors

31. (1) The MEC may appoint four persons as a Panel of Assessors to be known as the Registrar's Panel of- Assessors to advise the Registrar on matters referred to the Panel by him or her.

(2) Of- the Panel members -

(a) one member shall represent the long distance minibus taxi industry of the Province and another member shall represent the short distance minibus taxi industry of the Province;

(b) one member shall be appointed from any community in the Province to represent the passengers; and

(c) one member shall have knowledge of or experience in the law.

(3) The Registrar may, after consultation with the MEC, co-opt to serve on the Panel with regard to any particular matter, not more than five additional members who may include -

(a) persons representing municipalities;

(b) persons representing labour interests,

and a person so co-opted may at the request of the chairperson participate in and cast a vote at meetings of the Panel.

(4) (a) Apart from the members referred to in subsection (2)(a), no one may be appointed or remain a member of- the Panel if he or she, whether personally or through his or her spouse, immediate family member, business partner or associate, has or acquires a direct or indirect financial interest in any business or enterprise relating to public transport or is an elected office bearer in an association, or is engaged in an activity that may, in the opinion of the MEC, conflict or interfere with the proper performance of- his or her functions as a member of the Panel.

(b) For the purposes of- this subsection "spouse" and "immediate family member" shall have the meanings assigned to them in section 3(5)(b).

(5) Members and co-opted members of the Panel shall in respect of their services receive such remuneration and allowances and shall be appointed on such terms and conditions and for such periods as the MEC may determine.

(6) The MEC may, after he or she has afforded a member of the Panel the opportunity to state his or her case, at any time terminate such member's term of office if he or she has become disqualified in terms of subsection (4) or on the ground of misconduct, incapacity or incompetence.

(7) The Registrar shall be the chairperson of the Panel.

(8) Three members of the Panel and the Registrar shall form a quorum for meetings of the Panel.

(9) Except as provided by this section, the Panel determines the procedure applicable at its meetings.

(10) The Registrar must consult with the Panel (if any) before registering, deregistering or suspending any association.

Updating of information

32. (1) Registered associations, members and non-members must notify the Registrar of any change to information supplied under this Chapter within 14 days of the change becoming effective.

(2) Registered associations must notify the Registrar of the outcome of any grievance and disciplinary proceedings within seven days of the relevant decision being taken, or of the outcome of an appeal being made known.

Failure by an association or non-member to comply with its constitution or the Code of Conduct for Non-Members, respectively, and disciplinary powers of Registrar

33. (1) Where the Registrar reasonably suspects that -

(a) a registered association has failed to comply, with the rules set out in its constitution or prescribed by the MEC; or

(b) a non-member has failed to comply with the Code of Conduct for Non- Members,

he or she must investigate the matter in the prescribed manner.

(2) (a) If, as a result of the investigation -

(i) a registered association is found to have failed to comply with the rules set out in its constitution or prescribed by the MEC; or

(ii) a non-member is found to have failed to comply with the Code of Conduct for Non-Members,

and the Registrar is of the opinion that the failure can be remedied, the Registrar must send a written notice to the registered association or non- member directing that the constitution or prescribed rules, or Code of Conduct for Non-Members, as the case may be, be complied with and setting out the steps to be followed within a stated period, and enquiring whether the association or non-member requires assistance to comply therewith.

(b) If the notice referred to in paragraph (a) is not complied with, the Registrar must -

(i) impose a fine not exceeding the amount mentioned in subsection (8); or

(ii) issue a written order temporarily suspending the certificate of registration; or

(iii) issue a written order withdrawing the certificate of registration;

Provided that, should the failure be the subject of criminal or civil proceedings in a court of law, the Registrar may postpone the investigation or other actions until the proceedings have been concluded.

(3) Where in the circumstances contemplated in subsection (2) the Registrar is of the opinion that the failure cannot be remedied, he or she must take one of the steps outlined in subsection (2)(b), and may disqualify the association or non-member from applying for registration again.

(4) Where the Registrar is notified by a registered association that it has suspended or expelled a member, the Registrar must suspend or withdraw the member's registration, as the case may be: Provided that the Registrar must be satisfied that the disciplinary procedure in the association's constitution was applied correctly and fairly and that the member is not in the process of appealing against the suspension or expulsion.

(5) The Registrar must immediately after the issuing of an order that the name of any association or non-member be struck off the register, forward a certified copy thereof to the MEC, the Board, relevant municipalities and government departments or institutions providing benefits or assistance to the deregistered association or its members or deregistered non-member by virtue of their being registered.

(6) An association and its members, or a non-member that has been struck off the register, must return to the Registrar their certificates of- registration and all distinguishing marks issued to them within seven days of- receiving an order of deregistration signed by the Registrar.

(7) A person who knowingly supplies false or misleading information to the Registrar, or fails to comply with a duty imposed under this Chapter, shall be guilty of an offence and liable on conviction to penalties not exceeding those set out in section 56.

(8) The Registrar, after consultation with the Panel, may impose a tine not exceeding R100 000 on an association or a non-member that supplies him or her with false or misleading information, or who fails to comply with a duty imposed under this Chapter, which fine must be paid into the Provincial Urban Transport Fund.

(9) Where the constitution of- an association is not consistent with or contradicts the provisions of- the Standard Constitution, the provisions of the Standard Constitution will apply instead of- those of the association's constitution.

(10) Any person who is aggrieved by a decision of the Registrar may appeal to the MEC in the prescribed manner and on payment of the prescribed fee, who may -

(a) uphold the appeal in whole or in part, and, where appropriate, amend the decision of the Registrar;

(b) reject the appeal; or

(c) refer the matter back to the Registrar for reconsideration,

Provided that the fee must be refunded where an appeal is wholly or partially successful or the matter is referred back to the Registrar.

(11) Where a person has been notified by the Registrar to attend a hearing and fails to do so, the hearing may proceed in his or her absence and decisions taken pursuant to the hearing will still be binding on such a person notwithstanding his or her absence, if the Registrar is satisfied that the person received the notice to attend the hearing and that there are no good reasons for the failure to attend

CHAPTER 6

REGULATION AND CONTROL OF MINIBUSTAXI-TYPE SERVICES

Application in respect of a permission

34. (1) Subject to section 35, no person may undertake minibus taxi-type services unless he or she is the holder of a permission issued under or recognised by this Act and is registered with the Registrar.

(2) An application for the granting, renewal or amendment of a permission must be made to the Board in the prescribed manner and upon payment of the prescribed fees.

(3) A person who desires to take transfer of a permission must apply to the Board for the transfer thereof in the manner prescribed and with the written consent of the holder of the permission in question: Provided that only permissions that have been in use for at least six months prior to the application, may be transferred.

(4) All applications referred to in subsections (1), (2) and (3) must include a detailed description of -

(a) the route or network of routes on which the applicant intends to operate;

(b) all points where passengers will be picked up or dropped; and

(c) the ranks or stands to be used.

(5) (a) An applicant must state on the application form whether he or she has been convicted of a criminal offence of a nature prescribed by regulation, and if so, to list the conviction, and to state whether he or she or his or her spouse, immediate family member, business partner or employer, is an authorised official or an official in the service of the national or a provincial government or that of a municipality.

(b) For the purposes of this subsection "spouse" and "immediate family member" shall have the meanings assigned to them in section 3(5)(b).

(6) In the case of an application for a permission authorising inter-provincial taxi services, the Board must also refer the application to the board or other body responsible for issuing authorisations for minibus taxi-type services in each relevant province for its recommendation.

(7) If no response is received within 21 days from the board or other body of another province as contemplated in subsection (7), the Board must submit the matter to the Transport Appeal Tribunal as established by section 3 of the Transport Tribunal Act, 1998 (Act No. 39 of 1998) as an appeal: Provided that the applicant shall be exempt from paying any fees in respect of such appeal.

(8) If application is made in another province for a permission authorising inter-provincial taxi services where passengers will be. picked up or dropped in the Province, and such application has been referred to the Board for its recommendation, the Board must provide a recommendation regarding the application to the body responsible for issuing permissions in the other province.

Continuation and conversion of existing permits

35. (1) Subject to subsection (5), any permits issued for an indefinite period and permits issued for a definite period which, on the commencement of this Act has not yet expired, will remain in force temporarily as provided for in this section.

(2) The holder of such a permit may have it converted to a permission in accordance with this chapter by applying for the conversion, in the manner prescribed by the MEC

(a) in the case of a permit for an indefinite period, before the expiry of the period determined by the MEC by notice in the Provincial Gazette;

(b) in the case of a permit for a definite period, before expiry of the definite period or the period contemplated in paragraph (a), whichever occurs first.

(3) A permit mentioned in subsection (1) will lapse-

(a) where an application for its conversion has not been made as provided for in subsection (2)-

(i) in the case of a permit for an indefinite period, on the expiry of the period mentioned in paragraph *(a)* of that subsection;

(ii) in the case of a permit for a definite period, on the expiry of the definite period or the period mentioned in that paragraph, whichever occurs first; or

(b) where such an application has been made, upon the conversion of the permit to an appropriate permission in accordance with this chapter;

(4) The MEC, by notice in the *Provincial Gazette*, must determine a date by which all permits must have been converted for the purposes of this section.

(5) Subject to this chapter, the authority conferred by a permit may not be renewed, amended or transferred, unless it has first been converted to a permission in accordance with section 37.

Conversion of permits not allowed in certain circumstances

36. (1) A permit may not be converted to a permission unless the transport service that it authorises has been provided uninterruptedly for a period of at least 180 days before the date on which application is made for conversion.

(2) When considering an application for the conversion of a permit to a permission, the permissions board may require the applicant to furnish proof, to the latter's satisfaction that the applicant meets the requirement set by subsection (1).

Manner of converting permits to permissions

37. (1) Subject to this section and in compliance with section 47 in other respects, a permission issued in place of a permit pursuant to the conversion contemplated in section 35, must confer the same authority as that which had been conferred by the permit.

(2) In the case of the conversion of a permit for a scheduled service-

(a) that authorises the operation of that service within a defined area, the permission to which that permit is converted must authorise the operation of that service according to one or more routes that are specified in detail, and must set out the time table for that route or each of them (as the case may be);

(b) where that service is provided in terms of an interim contract or current tendered contract, the permission to which that permit is converted must be made specific to that contract.

(3) In the case of the conversion of a permit for an unscheduled service-

(a) (not being a service) that authorises the operation of that service within a defined area, the permission to which that permit is converted must authorise the operation of that service according to one or more routes. The route or routes must be specified in detail, except in any of the following circumstances, namely-

(i) if the service-

(aa) is provided to or from informal settlements where there are no defined roads;

(bb) is a feeder service between a particular area and a major terminal or interchange facility;

(cc) is not provided at peak times or is provided over weekends between a particular area and a major destination of public passengers such as a hospital or shopping centre; or

(ii) any other circumstances which the permissions board on reasonable grounds finds to justify the non-detailed specification of the route or routes;

(b) that authorises operation within a particular radius, the permission to which that permit is converted-

(i) must authorise the operation of that service according to one or more routes that must be specified in detail, subject to sub-paragraph (ii);

(ii) may, where any circumstance mentioned in subparagraph (i) or (ii) of paragraph *(a)* exists, authorise operation of the transport service in a particular area that is described in detail.

(4) In the case of the conversion of a permit for a minibus taxi service, the permission to which that permit is converted must describe the particular area within which passengers may be picked up in the operation of that service.

(5) In the case of the conversion of a permit for a long distance service, the permission to which that permit is converted must specify the route or routes, the ranks or terminals for the picking up and setting down of passengers and any other points along the route or routes where passengers may be picked up or set down.

(6) Except where clearly inappropriate, the permission to which a permit has been converted in terms of this section must be regarded and treated for all purposes as a permission granted and issued in terms of this Chapter.

(7) A permit for public transport in a radius or area must be converted to a permission for public transport on a particular, specified route or routes or, where applicable, a particular, specified area.

(8) Except where the permit to be converted already authorises public transport services on a particular route or routes, the permissions board must request each planning authority in whose area the services are operated to make any representations and recommendations it considers fit with regard to the route or routes, or, where applicable, the area to be specified in the permission to which that permit is to be converted.

(9) Permits for unscheduled services operated by vehicles with a seating capacity of less than nine persons, including the driver, may be converted to permissions for minibus taxi services operated by vehicles with a seating capacity of nine to 16 persons, including the driver, on the basis of one permission for the surrender of two permits: provided that the permission must be for a fixed period not exceeding five years; or

(10) A permit converted to a permission in terms of this section may not be issued to a person as the nominee of another person.

(11) However, no compensation will be payable to the holder of a permit where, as a result of a conversion in terms of this section, the authority conferred by the permission to which the permit is converted is less than that which was conferred by the permit and has resulted in the reduction of the operator's authorised transport operations.

Exemptions

38. For the purposes of this Act, the conveyance of persons contemplated in the definition of "public transport service" shall be deemed not to include the following, namely -

(a) the conveyance by an individual farmer who is resident in the Republic (including a partnership or company. carrying on farming operations) by means of a motor vehicle which is by law authorised to carry. passengers and of which he or she is the sole owner, of such farmer's farm labourers -

(i) from a place where they have been recruited to a place where they have agreed to be conveyed and where they are required for farming operations;

(ii) from a place where they are or have been employed in his or her farming operations to another place where they may be required for the farming operations or where another farmer may require them in his or her farming operations, or to the place where they. have been recruited.

(iii) between a place where they have been or are to be so employed and the place most convenient for their conveyance to another place to which they are to be conveyed by public transport or to the place where they are to be so employed;

(iv) between the place where they are so employed and another place within the Republic to do shopping or to attend a church service or funeral or for purposes of a sports or recreational meeting; or

(v) between a place where they have been recruited and the place most convenient for their conveyance to another place to which they are to be conveyed by public transport,

and for the purposes of this paragraph labourers employed by a co-operative society, registered under the law relating to co-operative societies, of which the farmer is a member, or prisoners as defined in section 1 of the Correctional Services Act, 1959 (Act No 8 of 1959), who are or have been or are to be employed by a farmer in his or her farming operations, shall be deemed to be such farmer's farm labourers;

(b) the conveyance by a municipality by means of a motor vehicle which is authorised by law to carry passengers, and of which it is the owner, of its own

employees from a place where they perform work in the course of its business to another place where they are so to perform work;

(c) the conveyance, by means of an ambulance as defined in the Road Traffic Act,1989, of a patient, and a person attending that patient, to a place where he or she is to receive medical treatment from a person authorised to administer such treatment in terms of a law relating to the medical profession, or from a place where he or she has received such treatment;

(d) the conveyance, by means of a motor vehicle, of persons who were being conveyed by a motor vehicle that has become defective, to their destination, provided, if .the conveyance of such persons by means of such other motor vehicle at the time when it became defective constituted a public transport service, such conveyance was authorised by a permission, and their conveyance by means of the first-mentioned motor vehicle is undertaken in accordance with the provisions of such permission and such permission is carried on such first-mentioned motor vehicle for production on demand to any authorised official;

(e) the conveyance of persons as contemplated in the definition of "lift club" in section 1 of the Road Accident Fund Act 1996 (Act No 56 of 1996);

(f) the conveyance by a person who carries on an industry, trade or business, of his or her employees from a place where they perform work in the course of that industry, trade or business, to another place where they are so to perform work, by means of a motor vehicle of which he or she is the owner;

(g) the conveyance, in connection with the performance of his or her duties, by, an employee of the national or a provincial government or a state-aided body or a company of which the national or provincial government is the sole member and shareholder or a municipality, by means of a motor vehicle of which such employee is the owner and which is used by him or her in the performance of those duties, of a person in respect of whose conveyance that employee is entitled to receive a reward from the national or provincial government or such state-aided body or company' or municipality .

(h) the conveyance of scholars and teachers for the purpose of sport or recreation or on holiday, sightseeing or educational tours, by means of a motor vehicle of which the relevant school is the sole owner or which, in terms of an agreement, is set apart for the use of that school for these purposes;

(i) the conveyance on school days of scholars and teachers to and from the school that they attend, by means of a motor vehicle of which the school is the sole owner or which, in terms of an agreement, is set apart for the use of the school for this purpose: Provided that the MEC may repeal this exemption by notice in the *Provincial Gazette*,

(j) the conveyance by a university, technikon, technical college or teachers' training college hereinafter referred to as an educational institution) of its own students and staff for educational, cultural or sports purposes by means of a motor vehicle of which that educational institution is the owner or by means of a motor vehicle which in terms of an agreement is set apart for the use of that educational institution for these purposes: Provided that in the case of such conveyance by means of a motor vehicle employed in terms of an agreement, a document must be carried in that vehicle in which an authorised official of the educational institution confirms that the passengers are enrolled students of, or staff attached to, that educational institution;

(k) the conveyance for reward by a person who has been summoned to appear at a place as a witness in a criminal case, of another person who has been summoned to appear as a witness in that case or in any other criminal case,

whether at the same place and on the same day or at another place or on another day, to or from the place at which the person conveyed has been summoned to appear, by means of a motor vehicle of which the first-mentioned person is the owner;

(l) the conveyance for reward, by a person who has been summoned to appear at a place on a day to give evidence before a commission with reference to which the provisions of the Commissions Act, 1947 (Act No 8 of 1947) or the Commissions Ordinance, 1954 (Ordinance No 5 of 1954), have been declared to be applicable, or before a body established under a law in terms of which that body is empowered to summon persons to appear before it to give evidence, to or from the place at which such person has been summoned to appear, of another person who has been summoned to appear before such commission or body to give evidence on the same day and at the same place, by means of a motor vehicle of which the first-mentioned person is the owner;

(m) the conveyance of a person who must necessarily be conveyed in connection with the conveyance of persons, which in terms of a preceding paragraph does not constitute public transport; or

(n) the conveyance of persons by a courtesy service.

Disposal of application in respect of a permission

39 (1) Subject to the provisions of this Act, the Board must receive and consider any application for the granting renewal, amendment or transfer of a permission made to it thereunder, and may thereafter, in its discretion grant the application in full or in part subject to the conditions it may deem necessary, or refuse the application.

(2) (a) Before considering any application under subsection (1), the Board must refer such application to the relevant municipality for its recommendation.

(b) A municipality to whom an application has been referred, must consult the relevant local transport forums, or, if no relevant local transport forums exist, the relevant associations and joint route management committees, before submitting its recommendation to the Board.

(c) If a municipality fails to transmit its recommendation to the Board within a period of 30 days after receipt of the application or within such further period as the Board may on request allow, the application may be dealt with and finalised without such recommendation.

(3) The Board must liaise, with the Registrar to ascertain whether the information submitted by the applicant is consistent with information held by the Registrar, if any.

(4) The Board may not issue a permission on a radius basis, and area permissions may be issued only in the case of -

(a) minibus taxi-type services or services to be rendered in areas where there are no defined roads;

(b) feeder services between a confined area and a major terminal or interchange facility;

(c) off-peak or weekend services between a confined area and a major attractor of passengers, such as a hospital or shopping centre.

(5) Except in the cases mentioned in subsection (4)(a), (b) and (c), the Board may not grant a transfer of a permission which authorises conveyance in an area or within the radius of a specified point unless the authority is converted to a route or network based authority.

(6) A separate permission must be issued for each motor vehicle.

(7) (a) No transfer of a motor vehicle in terms of a permission shall be allowed within six months of the issuing of a permission, unless the holder shows good cause why a transfer should be allowed.

(b) For purposes of this subsection "good cause" shall include but not be limited to the fact that the motor vehicle has been stolen or destroyed.

(8) The Board may refuse to consider an application for the grant, amendment or transfer of a permission made by any person if a previous application by that person, which in the opinion of the Board had the same or substantially the same object as the first-mentioned application, was considered and refused by the Board within the period of six months preceding the date on which such first-mentioned application is received in the office of the Board.

(9) The Board must refuse to consider an application for the grant, renewal, amendment or transfer of a permission if all of the following are opposed to the application:

(a) the relevant municipalities;

(b) the relevant transport forums;

(c) the relevant associations; and

(d) the relevant joint route management committees.

(10) The Board must determine the ranks, stands and other facilities that an applicant may use based on recommendations from relevant municipalities, and stipulate these in the permission

(11) No permission may be granted unless the applicant is a member of an association that has been registered by the Registrar under section 29 and the application is supported in writing by the association, or the Registrar certifies in writing that the applicant qualifies as a registered non-member under that section and has applied for registration as such.

(12) The Board may not grant a permission to a person who has been convicted of a prescribed offence.

(13) A permission for a service may -

(a) allow the motor vehicle to leave its defined area if on the return journey it carries the same passengers as on the outward journey, or the motor vehicle returns empty;

(b) allow the holder to operate a journey at a fare not determined by the meter in the motor vehicle, if the fare for each journey is decided before the journey begins.

Substitution of motor vehicles

40. (1) An application to amend a permission to substitute a motor vehicle indicated in the permission by another motor vehicle of the same seating capacity may, subject to section 47, be granted by an official of the Board designated for this purpose by the chairperson, without amending the other conditions or particulars of the permission.

(2) Subsection (1) shall not apply to applications for amending permissions to substitute motor vehicles of different seating capacities, which may only be granted if the relevant seating capacities are justified in accordance with the relevant approved passenger transport plans or the prescribed requirements.

Publication of application and representations in respect of a permission

41. (I) When the Board receives an application, excluding an application referred to in section 40(1), it -

(a) must, in the case of an application for the granting or amendment (other than an amendment referred to in paragraph (b) of a permission;

(b) may, in the case of an application for the amendment of a permission so as to authorise the permanent replacement of a motor vehicle specified in the permission by a motor vehicle of which the seating capacity is equal to or smaller than or exceeds that of the first-mentioned motor vehicle by not more than 20 percent, or in the case of transfer of a permission,

publish in the Provincial Gazette and in at least one newspaper circulating in each area where passengers will be picked up or dropped, the prescribed particulars of the application, and, in the prescribed manner, place a notice of the application on the notice board at the offices of the Board.

(2) The MEC may prescribe the manner in which and time within which interested parties may submit objections to or representations concerning applications published under subsection (I).

(3) The provisions of this section shall not apply to an application for the grant of a permission made in accordance with the prescribed process.

Matters to be taken into consideration in disposing of an application in respect of a permission

42. (1) In addition to the other relevant provisions of this Act, the Board must take into consideration the following factors in deciding whether an application should be granted or refused and in determining the conditions (if any) to which a permission. shall be made subject:

(a) the provisions of applicable passenger transport plans;

(c) the recommendations from relevant municipalities, transport forums, associations and joint route management committees;

(c) any objections to or representations concerning the application which has been received;

(d) the extent to which the transport is necessary or desirable in the public interest;

(e) the requirements of the public for transport along the route(s) or between the points that the applicant proposes to operate, or in the area in which the applicant proposes to operate;

(f) the existing transport facilities available to the public along the route(s) or between the points or in the area;

(g) the co-ordination of all forms and modes of transport on an economically sound basis and with due regard to the public interest;

(h) the ability of the applicant to provide the services;

(i) any relevant previous convictions of the applicant for offences;

(j) the existence of a by-law, regulation, prohibition, limitation or restriction relevant to the proposed transport;

(k) any other factor which, in the opinion of the Board, may be relevant to the question whether the application should be granted or what conditions should be attached to the permission.

(2) The word "ability" in subsection (1) shall include, but not be limited to, the financial ability of the applicant to provide the proposed services in a sustainable manner.

Inter-provincial taxi services

43. (1) Where a person wish to undertake inter-provincial taxi services, he or she must apply to the Board for a permission if the motor vehicle with which the services are going to be undertaken is or will be registered in the Province.

(2) The Board may not grant an application for a permission authorising inter-provincial taxi services, or for the renewal or transfer of such permission, or for an amendment of the permission affecting public transport services in the other province, except with the agreement of the board or other body responsible for issuing permissions in the other province.

(3) Where the Board is unable to obtain the agreement of such board or other body within the prescribed period, the Board must submit the matter as an appeal to the Transport Appeal Tribunal in accordance with the Transport Appeal Tribunal Act, 1998.

(4) Appeals concerning inter-provincial taxi services must be made to the Transport Appeal Tribunal in accordance with the Transport Appeal Tribunal Act, 1998.

(5) In the case of inter-provincial taxi services, passengers may. not be picked up or dropped except at the points of origin and destination: Provided that if there is no alternative service between the origin or destination and the drop-off or pick-up point, or the relevant associations operating on the route(s) have agreed thereto, passengers may be so picked up or dropped.

International taxi services

44. An application for a permission authorising an international taxi service must be made to the Regulatory Committee in terms of the Cross-Border Road Transport Act 1998 (Act No 4 of 1998), and any appeals relating thereto must be dealt with in terms of that act.

Tourist services

45. (1) The MEC may make regulations providing for special requirements in respect of applications for permissions regarding tourist services or motor vehicles or drivers used in such services, in addition to or in lieu of those provided for in this Act.

(2) The regulations referred to in subsection (1) may require that recommendations must be obtained from the Northern Province Tourism Marketing Board, before applications for permissions authorising tourist services are considered.

Validity period of a permission

46. (1) The period of validity of a permission issued in terms of this Act shall be as prescribed.

(2) When an existing fixed period permission expires, and an application for its renewal is pending before the Board, the permission shall continue in force until the application has been disposed of.

Issue of permissions and provisions thereof

47. (1) Subject to subsection (2), the Board must issue, in the manner prescribed, a permission granted, renewed, amended or transferred by it.

(2) The Board may not issue a permission unless -

(a) it is satisfied that every motor vehicle to which the permission relates is suitable for the type of transport for which it is to be used;

(b) in respect of each such motor vehicle a valid certificate of fitness or roadworthy certificate, issued under the law relating to the licensing and registration of motor vehicles in the Province, on or after a date determined by regulation, has been submitted to it; and

(c) the applicant is registered with the Registrar or has applied for registration.

(3) If during the currency of a permission, the certificate of fitness or roadworthy certificate for a motor vehicle to which the permission relates, becomes invalid for any reason, the permission itself shall be suspended, and the holder must submit it and all distinguishing marks relating thereto to the Board for safekeeping within 14 days from the date on which the permission concerned became invalid.

(4) Any permission issued in terms of this section must specify the following, namely -

(a) the name and address of the holder;

(b) the number of passengers that may be conveyed in the motor vehicle concerned in terms of the relevant certificate of fitness or roadworthy certificate: Provided that the maximum number of passengers approved by the Board shall not be exceeded;

(c) the registration number, make, vehicle identification number, year of manufacture, type, seating or passenger capacity of the motor vehicle in respect whereof it is issued;

(d) the route or network of routes on which or the area or areas within which the relevant services may be undertaken, as well as the points of origin and destination, all points where passengers may be picked up or dropped and the ranks, stands and other facilities that may be used;

(e) any other conditions which the Board may impose in its discretion.

(5) Together with each permission that it issues or converts, the Board must issue a distinguishing mark or marks in the form and manner prescribed, or failing such regulations, in the form and manner determined by the Board.

Record of permissions

48. The Board must -

(a) keep at its place of business a copy of every permission issued by it in terms of this Act and of every amendment made to any such permission;

(b) enter the prescribed particulars regarding such permission, the holder of the permission and the relevant motor vehicle on a data basis as prescribed;

(c) allow any person who is in any way affected by such a permission or amendment, to inspect it, and may at the request of such a person, furnish him or her with a copy of the permission concerned and every amendment thereof upon payment of the prescribed fee.

Temporary replacement of motor vehicle to which a permission relates

49. (1) Where a motor vehicle to which a permission relates has become defective or, due to an accident, has been temporarily withdrawn from service, the Board or a member thereof designated by the chairperson of the Board for that purpose may, subject to subsections (2) and (3), at will grant written permission that any motor vehicle may be used by the holder of the permission concerned for the public transport service authorised by that permission, in the p]ace of the first-mentioned motor vehicle.

(2) The seating capacity of the replacement motor vehicle must be equal to or smaller than or not exceed by more than 20 percent that of the motor vehicle to which the permission relates.

(3) The replacement motor vehicle may be used fur such period not exceeding 42 days as the Board or member concerned determines.

(4) The replacement motor vehicle shall during the period referred to in subsection (3), for purposes of this Act be deemed to be the motor vehicle to which the permission concerned relates.

Additional authority conveyed by a permission

50. A permission shall, in addition to the transportation expressly authorised by it, also authorise the conveyance of a person necessary in connection with such expressly authorised transportation.

Duties of the holder of a permission

51. (1) The holder of a permission must -

(a) conduct the service authorised by the permission in accordance with the applicable passenger transport p]an and the conditions of the permission;

(b) carry the permission or the written permission referred to in section 49, and the holder's registration certificate issued under section 29, on the motor vehicle to which they relate and produce them on demand to an authorised official;

(c) keep the permission and all distinguishing marks relating thereto, in such a condition that the letters and figures on it are clearly legible and, if the permission is damaged or ceases to be clearly legible, apply for a duplicate in the manner prescribed;

(d) cause the name, address and nature of business of the holder to be borne in a conspicuous place on the motor vehicle to which the permission relates, in the manner prescribed or in such other manner as the Board may approve in writing in a particular case;

(e) exhibit the other particulars determined by the Board or as prescribed;

(f) affix and keep affixed in the manner prescribed, all distinguishing marks issued in terms of this Act on the motor vehicle used in terms of the permission;

(g) apply in time for the renewal of the permission;

(h) ensure that all information contained in the permission is kept up to date by appropriate applications for amendments;

(i) submit to the Board within one calendar month of expiry of the annual certificate of fitness or roadworthy certificate a new certificate for the motor vehicle to which the permission relates;

(j) return to the Board for cancellation a permission in respect of a motor vehicle which has been disposed of by the holder.

(2) A permission issued under this Act -

(a) shall not authorise the holder thereof to undertake a public transport service in the area of jurisdiction of a municipality if it is unlawful to do so under any other law applicable in such area;

(b) shall not exempt the holder from the obligation to comply with a requirement imposed upon him or her under any other law or under any licence or permission issued by another authority.

Withdrawal, suspension or amendment of a permission

52. (1) Subject to the provisions of subsection (4), the Board may at any time withdraw, amend or suspend, for such period as it may deem fit, a permission granted by it –

(a) if the holder of such permission or an employee of the holder has been convicted of an offence under this Act or under a law relating to motor vehicles or the regulation of traffic or occupational safety or labour relations, or of a prescribed offence; or

(b) if, in the opinion of the Board, the holder has not carried out faithfully the conditions or requirements of the permission; or

(c) if the holder has failed to initiate the service authorised by the permission or any part thereof within six months of the issuing of the permission unless the holder can prove to the Board that there are good reasons for this, which reasons may include, but shall not be limited to -

(i) illness or incapacity of the holder;

(ii) the fact that the motor vehicle is temporarily out of service due to an accident;

(iii) arrangements being made for the transfer of the permission due to the death of the holder;

(iv) financial hardship due to circumstances beyond the control of the holder; or

(v) the fact that the holder is prevented from conducting the service due to a conflict situation; or

(d) if the holder has ceased to operate the service or any part thereof for 180 consecutive days; or

(e) if the holder has failed to submit to the Board a new annual certificate of fitness or roadworthy certificate in respect of the motor vehicle to which the permission relates, within one calendar month after the expiry of such certificate; or

(f) if the holder has disposed of the motor vehicle to which the permission relates.

(2) Where the holder of a permission has ceased to be registered with the Registrar, either as a member of a deregistered association or personally the Board must withdraw all permissions held by that holder.

(3) Where an association has suspended one of its members, the Registrar must submit the report of the relevant disciplinary committee to the Board, whereupon the Board must suspend all permissions held by that member for the period of suspension of the member.

(4) The Board may not withdraw or suspend a permission under subsection (1), (2) or (3), unless -

(a) at least 21 days written notice of its intention to do so, with reasons, has been given to the holder by registered post; and

(b) the holder has been given an opportunity, either personally or through his or her duly authorised representative, to appear before the Board and provide evidence or submit representations in regard to the proposed action.

(5) On a second or subsequent conviction of a person of an offence involving the undertaking of unauthorised services the Board may -

(a) by notice in writing sent by registered post, withdraw or suspend a permission held by that person for the period that it may deem appropriate; and

(b) during the period that the Board may deem fit, and irrespective of whether or not a permission held by that person has been withdrawn under paragraph (a), refuse to consider an application for the granting or transfer of a permission to him or her or to a company of which he or she is a director, or for the renewal of a permission held by him or her or such a company.

(6) For the purposes of subsection (5) a conviction of a company of an offence mentioned in that subsection, shall be deemed to be a conviction also of every person who was a director of that company at the time of the commission of the offence in question.

Withdrawal of a permissions in terms of a passenger transport plan

53. (1) If in terms of a passenger transport plan it appears that -

(a) an oversupply of minibus taxi-type services on a route or network of routes have resulted from the reissuing of permissions contemplated in section 35; or

(b) there has been a material change to a route or network of routes or the manner in which minibus taxi-type services are being provided, resulting in an oversupply of such services,

the planning authority must use its best endeavours to offer relevant permission holders alternative services or services with similar income generation, which offer may not be unreasonably refused by the holders.

(2) (a) If alternative services contemplated in subsection (1) are not available, the Board may commence with the process to withdraw surplus permissions-

(b) In order to give effect to the process referred to in paragraph (a), the Board must invite the holders of permissions on a route or network of routes contemplated in subsection (1) to indicate on or before a specified date in writing the amount o f compensation for which they are willing to surrender their permissions.

(3) After consideration of the amounts submitted by the holders (if any), the planning authority may pay the amounts claimed and the Board may withdraw the relevant permissions.

(4) If after completion of the process referred to in subsections (2) and (3), there are still surplus permissions on the said route or network of routes the Board, if it desires to withdraw these permissions, must proceed to withdraw these permissions on a "last-in- first-out" basis and the planning authority must pay to the holders fair compensation calculated according to guidelines determined by the MEC.

(5) All actions taken by the Board in terms of this section must be done with the concurrence of the relevant planning authority.

Impoundment of motor vehicles

54. (1) An authorised official who is reasonably satisfied that a motor vehicle is being used for unauthorised services, may impound the motor vehicle.

(2) A motor vehicle impounded under subsection (1) must be stored by the Department and may not be released until, in the case where the holder of the

permission authorising the use of the motor vehicle concerned, has been convicted of undertaking unauthorised services -

(a) he or she has paid the prescribed administration fee, which fee shall be used by the Department to defray the costs of establishing and maintaining the relevant pound or pounds and the balance, if any, shall be paid into the Provincial Urban Transport Fund; and

(b) he or she has paid the relevant fine or served the relevant term of imprisonment,

Provided that the administration fee for a second impoundment shall be an amount as prescribed and shall be doubled for each subsequent impoundment.

(3) The impoundment of a motor vehicle under this section shall not exempt the holder concerned, or the owner or driver thereof from being prosecuted for an offence under this Act or a law relating to the regulation and control of road traffic.

Special measures in certain areas

55. (1) The MEC may, if he or she deems it necessary, by notice in the Provincial Gazette, determine an area, route or network of routes in respect of which the special measures provided for in this section will apply.

(2) (a) The MEC may make regulations providing that one or more routes or ranks shall be closed to the operation of minibus taxi-type services in an area determined under subsection (1) for a period stated in the regulations, and that no person may undertake such services on the route or routes or at the rank or ranks during that period.

(b) The regulations may provide that the contravention thereof will constitute an offence and prescribe penalties In respect thereof.

(3) Regulations under subsection (2) may provide for the issuing of temporary permissions to the holders of permissions that authorise the use of motor vehicles with a seating capacity of more than 17 persons, including the driver, to operate the closed routes for the period of their closure.

CHAPTER 8

LAW ENFORCEMENT

Offences and prohibitions

56. A person who -

(a) undertakes minibus taxi-type services without the authority of a permission;

(b) being the holder of a permission, undertakes minibus taxi-type services contrary to the conditions or requirements of the permission, or fails to comply with any permission condition;

(c) being the holder of a permission or the agent or employee of a permission holder, enables a person who does not hold a permission, to use the permission holder's permission;

(d) with the intent to deceive, forges, alters, defaces, mutilates or adds to a permission;

(e) knowing that any writing is not a permission or document issued under this Act, utters or uses such writing or other document for the purposes of this Act;

(f) knowing that any permission or other document issued under this Act has been altered, defaced, mutilated or added to, uses it for the purposes of this Act;

(g) except as allowed by this Act transfer a permission or distinguishing mark, without the consent in writing of the Board, to a motor vehicle or person other than a vehicle or person referred to or named in the permission or distinguishing mark;

(h) pretends that he or she is an authorised official;

(i) wilfully obstructs or hinders or interferes with an authorised official in the exercise of his or her powers or the performance of his or her duties;

(j) fails to comply with a direction or demand made by an authorised official;

(k) without sufficient reason fails or refuses to appear before the Board or member thereof after having been required to do so in terms of this Act, or fails or refuses to answer to the best of his or her knowledge a question lawfully put to him or her or to produce a book, plan or other document or article which he or she has been so required to produce;

(l) gives false information when required to supply information in terms of this Act;

(m) fails to state the information referred to in section 34(6) in his or her application;

(n) applies for or obtains a permission knowing that another permission has already been issued to another person or another legal person in relation to the same motor vehicle;

(o) displays a distinguishing mark on a motor vehicle used for minibus taxi-type services, which has not been lawfully issued under this Act or any other law;

(p) fails to affix or keep affixed a distinguishing mark on any motor vehicle as prescribed;

(q) fails to return a distinguishing mark to the Board or destroy it upon demand being made for its return or destruction by the Board or Department;

(r) being a passenger in a motor vehicle, fails to provide his or her name and address to an authorised official or to state to such official whether or not he or she has paid for the conveyance in question;

(s) being the holder of a permission, undertakes unauthorised services; or

(t) contravenes or fails to comply with any provision of this Act, if such contravention or failure is not elsewhere declared an offence,

is guilty of an offence and liable upon conviction to a fine not exceeding R100 000, or to imprisonment for a period not exceeding three years or to both such fine and imprisonment.

Presumptions and proof of certain facts

57. (1) In a prosecution under this Act -

(a) a person who has conveyed a person by means of a motor vehicle with a seating capacity of less than 17 persons, including the driver, or who has permissioned the conveyance by such means of a person in addition to the driver of- the motor vehicle, shall be presumed, in the absence of evidence to the contrary, thereby to have undertaken minibus taxi-type services, as the case may be;

(b) if it is proved that a person was conveyed in contravention of this Act by means of a particular motor vehicle, the owner of the motor vehicle shall be presumed, in the absence o f evidence to the contrary, to have so conveyed the person;

(c) a person in whose possession any writing falsely purporting to be a permission issued under this Act is found, or in whose possession a permission which has been altered, defaced, mutilated or added to in contravention of this Act is found, shall be presumed, in the absence of evidence to the contrary, to have made such writing or to have altered, defaced, mutilated or added to such permission.

(2) A document which purports to be a permission issued under this Act, or a copy of such a permission certified as a true copy by a person who purports to be an officer of the Board, shall on its production by a person in a prosecution under this Act, be admissible in evidence and be prima facie proof that it is a permission which has been validly issued under this Act, or that it is a true copy of such a permission, as the case may be, and that every statement contained therein is correct.

(3) A document that states that a motor vehicle is lawfully registered in the name of a person named therein, and which purports to have been issued by the authority charged with the registration of motor vehicles at the place where such vehicle is registered, shall be admissible in evidence and be prima fade proof of the correctness of the statements contained therein in a prosecution for an offence under this Act.

Jurisdiction

58. A magistrate's court has jurisdiction to try any case with regard to an offence as contemplated in this Act and to impose any penalty in connection therewith.

Limitation of liability

59. No person is liable in respect of anything done in good faith in the exercise of a power or the carrying out of a duty conferred or imposed by or under this Act.

CHAPTER 9

GENERAL PROVISIONS

Regulations

60. (1) The MEC may make regulations -

(a) with reference to -

(i) the information to be submitted with an application for the grant, renewal, amendment or transfer of a permission;

(ii) the procedure to be followed by, the Board in dealing with any such application;

(iii) the information to be submitted with an appeal to the Transport Appeal Tribunal against an act, direction or decision of the Board;

(iv) the information to be supplied by the Board to the Transport Appeal Tribunal or the appellant in connection with an appeal, and the manner in which, and time within which, the information must be supplied;

(v) the information to be supplied to the Department by permission holders, municipalities and associations;

(vi) the offences that the Board should take into account in considering permission applications;

(vii) the numbering of routes and the allocation thereof to particular associations or their members, or non-members, and the form and issuing of distinguishing marks in that regard;

(viii) issuing of and display of distinguishing marks by operators of services referred to in section 38;

(b) (i) regulating the undertaking of scholar transport by holders of permissions;

(ii) regulating the provision of taxi training;

(iii) regarding conflict resolution and arbitration between associations or the holders of permissions;

(iv) regulating minibus taxi services including, but not limited to, the standard of service, fares, motor vehicles used and the drivers thereof; .

(v) providing for a system of grading of holders of permissions and drivers;

(vi) providing for a system of registering drivers involved in providing minibus taxi-type services;

(vii) regulating the provision, control and use of ranks and stands;

(c) requiring the payment of fees and the actual costs involved in connection with -

(i) an application for the grant, renewal, amendment or transfer of a permission;

(ii) any appeal provided for in this Act;

(iii) the issue of a permission, distinguishing mark or other document or a duplicate thereof,

and prescribing the amount of any such fee, the circumstances in which an amount paid by way of such fee shall be forfeited or refunded in whole or in part, the amount of a partial refund and the circumstances in which an amount so paid may in the discretion of the Board be forfeited in whole or be refunded in whole or in part;

(d) prescribing special co-ordinated law enforcement exercises or measures regarding minibus taxi-type services;

(e) prescribing or otherwise dealing with any matter which in terms of any other provision of this Act is required to be or may be prescribed or otherwise dealt with by regulation; and

(f) generally for the better carrying out of the provisions and objects of this Act.

(2) Any regulation made under subsection (1) may provide that a person contravening a provision thereof or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three years.

By-laws

61. (1) A municipality may make by-laws to -

(a) regulate the size, class or number of motor vehicles that may enter a specified portion of its area of jurisdiction and determine the time or times when a class of motor vehicle may enter any such portion;

(b) regulate or prohibit the entry of any class of motor vehicle in such portion during any specified period;

(c) prohibit the loading or off-loading of motor vehicles in any such portion during a specified period or periods, and determine the time or times when such loading or off-loading may take place;

(d) regulate the conduct of drivers of motor vehicles used for minibus taxi-type services:

(e) control the use by holders of permissions, drivers and the public of any road, route, picking up or dropping point, holding area, rank, stand, terminal or passenger transfer facility;

(f) regulate the rights and obligations of passengers;

(g) regulate operational safety on public transport vehicles;

(h) regulate the carriage of luggage and animals on public transport vehicles;

(i) regulate the handling and disposal of lost property; and

(j) regulate and control the provision and use of taxi ranks.

(2) Any by-law made under this section may provide that a person contravening a provision thereof or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three years.

Finances

62. All moneys received by the Board, the Tribunal or the Registrar under this Act, including fines and penalties, shall be paid into the Provincial Urban Transport Fund, or, on demise of that Fund, into the Provincial Land Transport Fund, and all expenditure incurred in the administration of this Act must be defrayed out of those Funds: Provided that expenditure incurred in connection with the performance of the functions of an authorised official, must be defrayed by the employer of the official concerned.

Repeal of laws, and savings

63. (1) Sections 4, 5, 6, 7, 8, 9, 10 and 11(2). of the Road' Transportation Act, 1977, is hereby repealed.

(2) At the commencement of this Act all assets, liabilities, rights and obligations of local road transportation boards established under the Road Transportation Act, 1977, shall vest in the Board.

(3) Subject to this Act, any appointment, designation, regulation, notice, authorisation, permission, approval, decision, exemption, direction, order, suspension, determination or condition issued, given, granted, made or imposed under any provision of the Road Transportation Act, 1977 , or similar law, will be regarded and treated as having been issued, given, granted, made or imposed under the corresponding provisions of this Act by the person or functionary competent in terms of this Act to do so.

(4) Any application for the issue or granting of a permission relating to minibus taxi-type services or services in terms of the Road Transportation Act, 1977, or similar law, which was not disposed of at the commencement of this Act, shall be deemed to be an application under this Act for the issue or granting of the appropriate permission.

(5) Any reference to "board" or "local road transportation board" or "inspector" in the Road Transportation Act, 1977, must be construed as a reference to the Board or an inspector, respectively.

Short title and commencement

64. (1) This Act is called the Northern Province Interim Passenger Transport Act, 1999, and comes into operation, on a date determined by the Premier by notice in the Provincial Gazette.

(2) Different dates may be so determined in respect of different provisions of this Act, and dates so determined may differ in respect of different areas in the Province.

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 13 **8 April 2000**

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

No 4 van 1999: Noordelike Provinsie Interim Passasiersvervoerwet, 1999.

WET

Om voorsiening te maak vir die regulering van minibustaxi-tipe dienste vir die promulgering van omvattende openbare vervoer -wetgewing; om voorsiening te maak vir die instelling van 'n Provinsiale Toestemmingsraad, 'n Provinsiale Appèltribunaal en 'n Provinsiale Taxi Registrateur; om voorsiening te maak vir die registrasie van die minibustaxibedryf, lede en nie-lede; om die toepassing van die bepalings van die Wet op Padvervoer, 1977, ten opsigte van minibustaxi-tipe dienste uit te sluit; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Premier onderteken)
(Bekragtiging op 23 Maart 2000)

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

INHOUD VAN WET

Artikel

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1. Woordomskrywing

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4. Vergaderings van die Raad
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HOOFSTUK 3

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HOOFSTUK 1

WOORDOMSKRYWING

Woordomskrywing:

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

"beplanningsowerheid" die bevoegde gesag verantwoordelik vir die voorbereiding van 'n passasiersvervoerplan soos bedoel in artikel 17 ;

"Departement " die Departement van die Provinsiale Administrasie verantwoordelik vir openbare vervoer in die Provinsie;

"Departmentshoof" die Hoof van die Departement;

"Dissiplinêre Prosedure" 'n stel reëls wat deel vorm van die Standaard Grondwet wat 'n geregistreerde vereniging moet navolg om 'n klag van verbreking van die Gedragskode deur 'n lid te ondersoek en om lede wat skuldig bevind word aan 'n verbreking van die Gedragskode, te dissiplineer;

"Gedragskode" 'n stel reëls wat deel vorm van die Standaard Grondwet, en wat bindend is op die lede van geregistreerde verenigings;

"Gedragskode vir Nie-Lede" 'n voorgeskrewe stel reëls wat bindend is op geregistreerde nie-lede;

"Gemagtigde beampte" 'n inspekteur, enige lid van die Suid-Afrikaanse Polisiediens, of enige ander persoon gemagtig deur enige wet om motorvoertuie of lisensies vir motorvoertuie te inspekteer of om verkeerbeheer toe te pas;

"geregistreerde" geregistreer of voorwaardelik geregistreer volgens hoofstuk 5;

"gevestig" dat die meerderheid lede van die vereniging of interprovinsiale vereniging, of die betrokke lid of nie-lid, na gelang van die geval, onderskeidelik hulle of sy of haar bedrywighede binne die Provinsie beoefen;

"Griewe Prosedure" die gedeelte van die Standaard Grondwet wat die stappe uiteensit wat gevolg moet word wanneer 'n gegriefde lid of groep lede van 'n geregistreerde vereniging, na gelang van die geval, 'n aangeleentheid intern tot die vereniging vir beregting wil opper en wat voorsiening maak vir die oplossing van griewe deur 'n progressiewe proses van gesprekvoering en konflikhantering deur mediasie en arbitrasie;

"hierdie Wet" ook die regulasies;

"hoflikheidsdiens" 'n passasiersvervoerdiens, verskaf deur 'n organisasie deur middel van 'n motorvoertuig van die organisasie of 'n motorvoertuig verskaf kragtens 'n ooreenkoms, vir die klante of kliënte van die organisasie sonder enige direkte koste vir die gebruiker;

"houer" met betrekking tot 'n toestemming, die persoon ten gunste van wie daardie toestemming uitgereik is;

"huurdiens" is 'n diens wat die huur van 'n motorvoertuig en die bestuurder huur vir 'n voorafbepaalde reis asook met die koste, na 'n bestemming in gemeen waar –

(a) nie die houer of die bestuurder individuele reisgeld ontvang nie; en
(b) die persoon wat die motorvoertuig huur , die reg het om die roete, datum en tyd van die reis, te bepaal;

"inspekteur" 'n openbare vervoerinspekteur bedoel in artike 9;

"internasionale taxidiens" 'n minibus taxi-tipe diens diens wat gedeeltelik binne die Republiek en gedeeltelik binne 'n ander land of as deurgang deur die Republiek na 'n ander land, plaasvind.

"inter- provinsiale taxidiens" 'n minibus taxi-tipe diens of diens wat gedeeltelik binne die Republiek en gedeeltelik binne een of meer van die ander provinsies plaasvind, uitgesluit 'n internasionale taxidiens;

"inter - provinsiale vereniging" 'n vereniging wie se lede passasiers op- of aflaai in die Provinsie en een of meer ander provinsies;

"koöperasie" 'n koöperasie soos omskryf in die Koöperasiewet, 1981 (Wet no 91 van 1981);

"LUR" die Lid van die Uitvoerende Raad verantwoordelik vir openbare vervoer in die Provinsie;

"minibustaxi" 'n motorvoertuig gebruik vir 'n minibustaxi-tipe diens;

"minibustaxi-tipe diens" 'n openbare vervoerdiens verskaf kragtens 'n toestemming op 'n besondere roete of netwerk van roetes of binne 'n afgebakende gebied wat nie onderwerp is aan 'n gereelde tydsrooster nie, deur middel van 'n motorvoertuig met 'n sitplek inhoudsmaat van minder as 17 mense,met die bestuurder ingesluit, en waar elke passassier aparte reisgeld betaal, maar 'n diens uitsluit;

"motorvoertuig" 'n motorvoertuig soos omskryf in die Padverkeerswet, 1989 (Wet No 29 van 1989);

"munisipaliteit" -

(a) tot tyd en wyl die wetgewing in die vooruitsig gestel in artikel 155(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No 108 van 1996), in werking tree, enige plaaslike regeringsliggaam by wie die munisipale wetgewende en uitvoerende jurisdiksie met betrekking tot 'n bepaalde gebied is

Oorgangswet op Plaaslike Regering, 1993 (Wet No 209 van 1993), berus (hetsy op 'n eksklusiewe of gedeeltelike grondslag), ter voldoening aan artikel 155(1) van die Grondwet;

(b) vanaf die datum wanneer daardie wetgewing in werking tree, 'n munisipaliteit soos in daardie wetgewing beoog;

"nie-lid" die houer van 'n geregistreerde toestemming, wat nie aan 'n geregistreerde vereniging behoort nie;

"Noordelike Provinsie Toerisme Bemarkingsraad" die Noordelike Provinsie Toerisme Bemarkingsraad ingestel kragtens die Noordelike Provinsie Wet op die Toerisme Bemarkingsraad,1997(Wet Nr 7 van 1997);

"ongemagtigde dienste" openbare vervoerdienste wat nie deur enige toestemming gemagtig is nie en ook sodanige dienste wat deur die houer van 'n toestemming anders as ooreenkomsitg die bepalings van die toestemming onderneem word;

"openbare vervoerdiens" 'n diens vir die vervoer van persone per pad, teen 'n fooi, beloning of ander oorweging;

"operateur" 'n persoon gemagtig deur 'n toestemming om 'n minibus taxi-tipe diens te lewer;

"Paneel" die Paneel van Assessore kragtens artikel 31 aangestel;

"Permit" is 'n permit wat minibustaxi-tipedienste of dienste uitgereik volgens hierdie Wet,magtig en sluit 'n dokument in wat as permit deur hierdie Wet of deur die LUR deur kennisgewing in die Provinsiale Staatskoerant, erken word;

"Provinsie" is die Noordelike Provinsie;

"Provinsiale Stedelike Vervoerfonds" die fonds deur artikel 8A van die Wet op Stedelike Vervoer, 1977 (Wet No 78 van 1977), ingestel;

"Raad" die Noordelike Provinsie Toestemmingraad kragtens artikel 2 ingestel;

"Registrateur" die Noordelike Provinsie Provinsiale Registrateur kragtens artikel 26 aangestel;

"regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig;

"relevante vereniging" ten opsigte van 'n aansoek om 'n toestemming, 'n vereniging wie se lede funksioneer op die roete, netwerk van roetes of binne die gebied waarop die aansoek betrekking het;

"Standaard Grondwet" 'n voorgeskrewe stel reëls en prosedures wat die sake van geregistreerde verenigings ree"l, en sluit 'n Gedragskode, 'n Griewe Prosedure en 'n Dissiplinêre Prosedure vir lede, of geaffilieerde geregistreerde primêre verenigings, na gelang van die geval, van daardie verenigings in;

"toeristediens" 'n openbare vervoerdiens vir die vervoer van toeriste wat vooraf bespreek het op 'n reisplan wat aan die algemene publiek beskikbaar is, na toeriste aantreklikhede;

"toestemming" toestemming vereis kragtens artikel 34, toegestaan en uitgereik in ooreenstemming met Hoofstuk 8, maar wat nie spesiale toestemming insluit nie;

"Tribunaal" die Provinsiale Appèltribunaal kragtens artikel 10 ingestel;

"vereniging" 'n groep persone wat 'n minibus taxi-tipe bedryf of 'n liggaam waarby twee of meer sodanige groepe geaffilieer is, waarvan die hoofdoel die bevordering van die groepsbelange van sy lede is, en wat beoog om sy inkomste aan te wend om sodanige belange te bevorder;

"Vervoerappèltribunaal" die Vervoerappèltribunaal wat deur artikel 2 van die Wet op die Vervoerappèltribunaal, 1998, ingestel is;

"vervoerforum" 'n plaaslike vervoerforum of 'n streeksvervoerforum, na gelang van die geval;

"voorskryf" voorskryf deur regulasie, en het **"voorgeskryf"** 'n ooreenstemmende betekenis.

HOOFSTUK 2

NOORDELIKE PROVINSIE TOESTEMMINGSRAAD

Instelling van die Noordelike Provinsie Toestemmingsraad

2. Die LUR sal een toestemmingsraad vir die provinsie instel en sal persone wat gekenmerk word deur hul afhanklikheid, onpartydigheid en regverdigheid as lede aanstel en wat verder gepas is om as lede te dien as gevolg van hul begrip van en kundigheid in of kennis van die openbare vervoer nywerheid en wat geen direkte of indirekte belange het in daardie nywerheid nie.

Samestelling van Raad

3. (1) Die Raad bestaan uit die volgende lede:

(a) 'n voorsitter, wat na die oordeel van die LUR 'n geskikte en gepaste persoon is om as voorsitter van die Raad te dien;

(b) hoogstens vier ander lede wat, na oordeel van die LUR, toepaslike kennis het van of ondervinding het met betrekking tot openbare vervoer, industriële, kommersiële, finansiële of regsaangeleenthede of in die bestuur van openbare sake het;

en wie aangestel sal word deur die LUR.

(2) 'n Lid van die Raad beklee sy of haar amp vir die tydperk, maar vir hoogstens drie jaar, wat die LUR tydens sy of haar aanstelling bepaal, en is bevoeg om by verstryking van sy of haar ampstermyn weer aangestel te word.

(3) Die LUR kan, nadat hy of sy 'n lid van die Raad die geleentheid gebied het om sy of haar saak te stel, te eniger tyd die aanstelling van so 'n lid beëindig indien die lid onbevoeg geraak het ingevolge subartikel (5) of op grond van wangedrag, onbevoegdheid of onbekwaamheid.

(4) Die LUR sal, in ooreenstemming met subartikel (1), 'n toevallige vakature in die Raad vul deur 'n ander persoon aan te stel vir die oorblywende gedeelte van die tydperk waarvoor die persoon ten opsigte van wie die vakature onstaan het, aangestel was.

(5) (a) 'n Persoon word nie aangestel of bly nie aan as 'n lid van die Raad nie -

(i) indien sodanige persoon -

(aa) 'n minderjarige is of andersins handelingsonbevoegd is;
(bb) 'n ongerehabiliteerde insolvent is of word of 'n daad van insolvensie pleeg;
(cc) in enige stadium uit 'n vertrouensamp weens wangedrag ontslaan is of word;
(dd) in enige stadium skuldig bevind is of word, hetsy in die Republiek of elders, aan diefstal, bedrog, vervalsing of uitgifte van 'n vervalste dokument, meineed, 'n oortreding ingevolge die Wet op Korrupsie, 1992 (Wet No 94 van 1992), of enige misdryf waarby oneerlikheid betrokke is; of
(ee) sonder verlof van die Raad, van drie agtereenvolgende vergaderings van die Raad afwesig was; of
(ff) genomineer was as kandidaat in enige verkiesing van lede van die Nasionale Vergadering of van 'n provinsiale wetgewer kragtens die Verkiesingswet, 1998 (Wet Nr 73 van 1998), of as 'n kandidaat in enige verkiesing of tussentydse verkiesing van 'n munisipaliteit kragtens enige wet;
(gg) of genomineer was om 'n vakature in die Parlement of provinsiale wetgewer te vul;
(hh) indien sodanige persoon, hetsy persoonlik of deur sy of haar gade, onmiddellike familielid, besigheidsvennoot of medewerker, 'n regstreekste of onregstreekse finansiële belang het of verkry in enige saak of onderneming met betrekking tot openbare vervoer wat, na die mening van die LUR, mag bots of inmeng met die behoorlike verrigting van sy of haar werksaamhede as 'n lid van die Raad.

(b) Vir die doeleindes van paragraaf (a)-

(i) sluit "gade" 'n persoon in met wie die lid saamleef asof hulle getroud is of met wie die lid uit gewoonte saamwoon;

(ii) beteken "onmiddellike familielid" 'n ouer, kind, broer of suster.

(c) 'n Persoon moet voor sy of haar aanstelling as 'n lid van die Raad 'n skriftelike verklaring aan die LUR voorlê waarin verklaar word of hy of sy ingevolge paragraaf (a)(i) onbevoeg is al dan nie, en , of hy of sy enige belang in paragraaf (a) (ii) bedoel het, al dan nie.

(d) Indien enige lid gedurende sy of haar ampstermyn 'n belang verkry of beoog om 'n belang te verkry wat moontlik 'n belang beoog in paragraaf (a) (ii) kan wees, moet hy of sy onverwyld en skriftelik daardie feit aan die LUR verklaar, sowel as aan die Raad, wat tydens sy volgende vergadering moet oorweeg of sodanige belang 'n oortreding van paragraaf (a) (ii) daarstel of kan daarstel, en indien dit nie as 'n oortreding beskou word nie, of sodanige verkryging of beoogde verkryging waarskynlik die onpartydigheid van die Raad onder verdenking sal bring.

(e) Die Raad moet die LUR onverwyld skriftelik van die Raad se besluit of aanbeveling beoog in paragraaf (d) inlig.

(f) Die LUR moet na oorweging van die Raad se besluit of aanbeveling die betrokke lid inlig indien die verkryging of die beoogde verkryging 'n belang beoog in paragraaf (a) (ii) daarstel of waarskynlik die onpartydigheid van die Raad onder verdenking sal bring, waarop daardie lid onverwyld van daardie belang afstand moet doen, by gebrek waaraan die LUR die nodige stappe ingevolge subartikel (3) moet doen.

(6) (a) 'n Lid van die Raad mag nie stem, die verrigtinge tydens enige Raadsvergadering bywoon of op enige wyse daaraan deelneem of dit beïnvloed nie, indien hy of sy ten opsigte van enige aangeleentheid wat voor die Raad dien 'n belang het wat hom of haar verhoed om sy of haar werksaamhede as 'n lid van die Raad op 'n regverdige, onbevooroordeelde of behoorlike wyse te verrig.

(b) Indien dit te eniger tyd gedurende die verloop van verrigtinge van die Raad blyk dat 'n lid van die Raad 'n belang soos bedoel in paragraaf (a) het of mag hê-

(i) moet daardie lid onverwyld en ten volle die aard van sy of haar belang openbaar en die vergadering verlaat ten einde die oorblywende lede van die Raad in staat te stel om die aangeleentheid te bespreek en om te bepaal of daardie lid belet moet word om aan die verdere verrigting tydens so 'n vergadering weens 'n botsing van belange deel te neem; en

(ii) moet so 'n openbaring en die besluit wat deur die oorblywende lede van die Raad in daardie opsig geneem is, uitdruklik in die notule van die betrokke vergadering aangeteken word.

(c) Indien enige lid van die Raad versuim om enige belang in paragraaf (a) vermeld, te openbaar, of, indien hy of sy so 'n belang het en hy of sy die

verrigtinge tydens die betrokke vergadering bywoon of op enige wyse hoegenaamd daaraan deelneem of dit direk beïnvloed, is die betrokke verrigtinge van nul en gener waarde.

Vergaderings van die Raad

4. (1) Die eerste vergadering van die Raad word gehou op die datum, tyd en plek deur die voorsitter bepaal, en alle vergaderings daarna moet gehou word op sodanige datums, tye en plekke wat die LUR in oorleg met die Raad mag bepaal.

(2) Indien die voorsitter afwesig is van 'n vergadering van die Raad, moet die aanwesige lede een uit hulle midde kies om op daardie vergadering voor te sit.

(3) Die kworum vir 'n vergadering van die Raad is die meerderheid van die lede van die Raad.

(4) 'n Besluit van die Raad word geneem deur 'n meerderheid van stemme van die aanwesige lede, en in die geval van 'n staking van stemme oor enige aangeleentheid, het die LUR 'n beslissende stem benewens sy of haar beraadslagende stem.

(5) Die Raad se setel en administratiewe kantore sal op 'n plek wees soos deur die LUR bepaal en bekend gemaak deur die LUR deur kennisgewing in die provinsiale koerant.

(6) Die LUR mag, vir die gerief van die publiek, 'n sub-kantoor vir die toestemmingsraad vir enige streek in die provinsie instel, en waar-
(a) aansoeke aan die toestemmingsraad ingedien en ontvang word;
(b) hulp aan die publiek verleen kan word in die maak van aansoeke;
(c) toestemmings toegeken, hernu, gewysig of vewys deur die toestemmingsraad , en enige registrasieskywe vir die voertuie in verband met die toestemmings, uitgereik kan word.

Prosedure by vergaderings van die Raad

5. (1) Die Raad kan, ten einde te handel met 'n aangeleentheid wat ingevolge hierdie Wet of enige ander wet voor hom dien-

(a) 'n persoon wat geraak word deur of 'n belang het in die aangeleentheid, of die behoorlik gemagtigde verteenwoordiger van sodanige persoon, toelaat om voor die Raad te verskyn en -

(i) getuienis af te lê of mondelinge vertoë met betrekking tot die aangeleentheid te rig; of
(ii) getuies te roep en getuienis aan te voer met betrekking tot 'n vraag wat betrekking het op die aangeleentheid; of
(iii) 'n persoon wat getuienis by die aangeleentheid afgelê het, te ondervra;

(b) deur skriftelike kennisgewing soos voorgeskryf en op die voorgeskrewe wyse beteken, van 'n persoon vereis om voor hom te verskyn om getuienis af te lê of om 'n boek, plan of ander dokument of voorwerp in sy of haar besit of onder sy of haar beheer voor te lê;

(c) 'n persoon wat teenwoordig is in of by die plek waar met die aangeleentheid gehandel word, oproep om voor hom te verskyn om getuienis af te lê of om 'n boek, plan of ander dokument of voorwerp wat sodanige persoon by hom of haar het, voor te lê;

(d) 'n persoon wat voor hom as getuie verskyn, ondervra;

(e) weier om 'n persoon aan te hoor wat voor hom as getuie verskyn wat weier om beëdig of bevestig te word.

(2) Die persoon wat voorsit by 'n vergadering van die Raad waar 'n persoon as getuie verskyn, mag 'n eed of bevestiging van die persoon wat aldus verskyn, afneem.

(3) Die Raad moet op versoek, 'n belanghebbende party van skriftelike redes voorsien vir 'n besluit deur die Raad geneem.

Vergoeding en toelaes van lede van die Raad

6. (1) Lede van die Raad wat nie in die heeltydse diens van 'n provinsiale of die nasionale regering is nie, word ten opsigte van hulle dienste die besoldiging en toelaes betaal wat deur die LUR bepaal word.

(2) Die besoldiging en toelaes van die persone in subartikel (1) vermeld, kan verskil na gelang van die verskillende ampte wat hulle beklee of die verskillende werksaamhede wat hulle verrig.

Personeel van Raad

7. Die LUR moet, behoudens die wette op die staatsdiens, die personeel voorsien wat nodig is om die Raad by die verrigtinge van sy werksaamhede by te staan.

Werksaamhede van Raad

8. Die Raad moet oorweging skenk aan en 'n beslissing gee oor, of andersins handel met aansoeke wat ooreenkomstig die bepalings van hierdie Wet of die Wet op Padvervoer, 1977 (Wet No 74 van 1977), aan hom gerig word en moet vir hierdie doel enige provinsiale vervoerbeleid in ag neem.

Aanwysing van inspekteurs

9. Die Departementshoof kan enige beampte in diens van die Departement aanwys as 'n openbare vervoerinspekteur, wie se bevoegdhede en pligte voorgeskryf is.

HOOFSTUK 3

PROVINSIALE APPÈLTRIBUNAAL

Instelling van Provinsiale Appèltribunaal

10. (1) Die LUR moet deur kennisgewing in die *Provinsiale Koerant* 'n Provinsiale Appèltribunaal instel.

(2) Die Tribunaal bestaan uit drie lede wat deur die LUR in oorleg met die Uitvoerende Raad van die Provinsie aangestel word, waarvan een lid ten minste 10 jaar ondervinding in die praktyk as 'n advokaat of prokureur moet hê, en die ander lede breë ondervinding moet hê van of bewese vermoëns getoon het in openbare passasiersvervoer of kommersiële of finansiële aangeleenthede of die hantering van openbare sake.

(3) Die LUR stel een van die lede as voorsitter van die Tribunaal aan.

(4) Artikels 3(2) tot (6) 5 en 6 is, met die veranderinge vereis deur die konteks, van toepassing met betrekking tot die Tribunaal.

Vergaderings van Tribunaal

11. (1) Die eerste vergadering van die Tribunaal word gehou op die datum, tyd en plek wat die voorsitter bepaal, en alle vergaderings daarna moet gehou word op sodanige datums, tye en plekke wat die voorsitter in oorleg met die Raad mag bepaal.

(2) Indien die voorsitter afwesig is van 'n vergadering van die Tribunaal, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit.

(3) Die prosedure by 'n vergadering van die Tribunaal word, behoudens hierdie artikel, deur die voorsitter in oorleg met die Tribunaal bepaal, en enige besluit in hierdie verband moet geneem word na behoorlike inagneming van die beginsels van openheid en deursigtigheid.

(4) Die kworum vir 'n vergadering van die Tribunaal is die meerherheid van die lede van die Tribunaal.

(5) 'n Besluit van die Tribunaal word geneem deur 'n meerderheid van stemme van die aanwesige lede, en in die geval van 'n staking van stemme oor enige aangeleentheid, het die voorsitter 'n beslissende stem benewens sy of haar beraadslagende stem.

Appèl na Tribunaal

12. (1) Behoudens andersluidende bepalings van hierdie Wet en subartikel (2), kan 'n persoon wat-

(a) ingevolge hierdie Wet of die Wet op Padvervoer, 1977, by die Raad aansoek gedoen het om die toestaan, hernuwing, wysiging of oordrag van 'n toestemming of wie se toestemming deur die Raad ingetrek, verander of opgeskort is;

(b) die houer is van 'n toestemming wat deur die Raad uitgereik is;

(c) op die wyse en binne die tydperk voorgeskryf, vertoë aan die Raad ter bestryding of ondersteuning van 'n aansoek gerig het,

en deur 'n handeling, voorskrif of besluit van die Raad geraak word, op die wyse en binne die typerk voorgeskryf, nadat sodanige handeling verrig is of sodanige voorskrif of besluit deur die Raad gegee is, appèl teen sodanige handeling, voorskrif of besluit by die Tribunaal aanteken.

(2) Waar die Raad 'n persoon van 'n voorskrif of besluit bedoel in subartikel (1) deur middel van 'n skriftelike dokument in kennis stel, word die datum van sodanige dokument geag die datum te wees waarop daardie voorskrif of besluit gegee is.

(3) Die Tribunaal moet 'n appèl wat ingevolge subartikel (1) ingedien is ontvang, en behoudens die bepalings van hierdie artikel en die regulasies, oorweeg en kan na goeddunke-

(a) die appèl van die hand wys en die handeling, voorskrif of besluit waarteen geappelleer word, bevestig; of

(b) die appèl handhaaf, die handeling, voorskrif of besluit waarteen geappelleer word, ter syde stel en -

(i) die Raad se besluit met 'n ander handeling, voorskrif of besluit wat deur die Raad verrig of gegee kon gewees het, vervang; of

(ii) die aangeleentheid wat aanleiding tot die appèl gegee het, na die Raad vir heroorweging terugverwys; of

(c) die appèl gedeeltelik handhaaf en die handeling, voorskrif of besluit waarteen geappelleer word, wysig.

(4) Die Voorsitter van die Tribunaal of 'n lid daarvan deur die voorsitter benoem, kan na goeddunke en sonder om vooraf kennis aan enige belanghebbende party te gee of om enige belanghebbende party aan te hoor -

(a) 'n aansoek om kondonering vir die laat indiening van 'n kennisgewing van appèl toestaan, mits sodanige appèl op die voorgeskrewe wyse ingedien word binne 42 dae nadat die Raad die handeling verrig of voorskrif of besluit gegee het waarteen geappelleer word, of dit weier;

(b) 'n aansoek om die opskorting van die werking van 'n handeling, voorskrif of besluit van die Raad waarteen geappelleer word, toestaan of weier;

(c) 'n handeling, voorskrif of besluit van die Raad waarteen geappelleer word, tersyde stel, en die aangeleentheid na die Raad terugverwys vir heroorweging.

(5) 'n Handeling, voorskrif of besluit van die Tribunaal kragtens sub-artikel (3)(b)(i) of (c) word, behalwe vir die doeleindes van sub-artikel (1), geag 'n handeling, voorskrif of besluit van die Raad te wees.

(6) Vir sover dit appèlle met betrekking tot minibustaxi-tipe dienste betref, is hierdie artikel slegs van toepassing waar die minibustaxi-tipe dienste geheel en al binne die Provinsie bedryf word.

Personeel van Tribunaal

13. Die LUR moet, behoudens die wette op die staatsdiens, die personeel voorsien wat nodig is om die Tribunaal by die verrigting van sy werksaamhede by te staan.

HOOFSTUK 4

BEPLANNING VAN VERVOER

14. Algemene beginsels vir die beplanning van vervoer en die verhouding tot grond ontwikkeling.

1 (1) Onderhewig aan hierdie artikel, moet die beplanning van padvervoer so uitgevoer word dat beide openbare en private vervoer asook alle wyses van padvervoer toepaslik in die betrokke gebied, gedek word en dit moet fokus op die mees doeltreffende en ekonomiese manier van beweeg van punt tot punt binne die sisteem.

(2) Die beplanning van padvervoer moet ge-integreerd wees met die proses van grond ontwikkeling. Om daardie doel moet die vervoerplanne soos vereis deur hierdie Wet, geakkommodeer word in, asook 'n noodsaaklik deel vorm, van die ge-integreerde ontwikkelingsplanne, wat deur munisipaliteite voorberei moet word, volgens enige toepaslike wette van die plaaslike regering.

(3) Planne vir vervoer moet so ontwikkel word dat –

(a) die doeltreffende funksionering van stede, dorpe en plattelandse gebiede verhoog word deur die ge-integreerde beplanning van die infrastruktuur en fasiliteite van vervoer, vervoeraktiwiteite wat vragvervoer, ladingsdienste en openbare vervoerdienste binne die konteks van daardie ge-integreerde ontwikkelingsplanne en die doelwitte vir die ontwikkeling van grond van die aard volgens artikel 27 van die Wet op die Fasilitering van Ontwikkeling, 1995, of, waar toepassend,

grond ontwikkelings-doelwitte van daardie aard bepaal kragtens vantoepaslike provinsiale wette;

(b) direkte geleenthede vir indiensneming en aktiwiteite, gemengde grondverbruik en hoëdigtheid residensiële ontwikkeling hoë aanvraag openbare vervoerkorridors interkonnekteer deur ontwikkelingsnodes binne die korridors, en die ontmoediging van stedelike besetting waar openbare vervoer onvoldoende is;

(c) voorkeur gegee word aan die opvul en plantverdigting langs openbare vervoerkorridors.

(d) groter voorkeur gegee word aan openbare vervoer eerder as private vervoer, deur die versekering van genoegsame voorsiening van openbare vervoerdienste en reisbehoefte bestuursmaatreëls toe te pas en private vervoer te ontmoedig;

(e) die toeganklikheid van openbare vervoerdienste en geriewe verhoog word; en

(f) die negatiewe impak op die omgewing tot die minimum beperk is.

(4) Die beplanning van openbare vervoer moet gesien word as 'n lopende proses waartydens die beplanningsowerhede ge-integreerde openbare vervoerdienste vir hul gebiede ontwikkel en implementeer.

(5) Behalwe wanneer dit duidelik ontoepaslik is of nie geredelik prakties binne die omstandighede is nie, moet 'n beplannings-owerheid, tydens die voorbereiding van 'n openbarevervoerplan of 'n ge-integreerde vervoerplan, seker maak dat daar koördinasie en integrasie binne en tussen die wyses van padvervoer is om sodoende die toegangbaarheid en benutting van openbare vervoerdienste, fasiliteite en infrastruktuur, tot die maksimum te verhoog.

Provinsiale padvervoer raamwerk

15. (1) Die LUR moet jaarliks, en nie later as op 'n datum soos ooreengekom met die Minister, 'n provinsiale padvervoerraamwerk vir die provinsie vir die vyfjaarlange periode wat 'n aanvang neem op die eerste dag van die volgende finansiële jaar, voorberei, met in agneming van die voorwaardes van sub-artikel (2) en in ooreenstemming met die riglyne en in die wyse en vorm soos algemeen voorgeskryf deur die Minister, en moet terselfdertyd 'n afskrif van daardie raamwerk aan die Minister voorlê.

(2) Die provinsiale padvervoerraamwerk moet as 'n riglyn dien om padvervoer in die provinsie leiding te gee, asook die padvervoer na en van buurprovinsies .

(3) Die provinsiale padvervoerraamwerk moet –

(a) in ooreenstemming wees met die amptelike visie, beleid en doelwitte van die provinsie.

(b) die veranderinge aan die beleid en strategieë sedert die van die vorige vyfjaarplan van die padvervoer van die provinsie, spesifiseer

(c) 'n voorkeurlys insluit wat volgens voorrang, 'n opsomming van die projekte en segmente van projekte wat in die volgende vyfjaar periode, uitgevoer moet word, asook die koste aan elk verbonde, insluit. Hierdie opsomming moet daardie projekte wat in die openbarevervoerplanne en die provinsie, identifiseer is, insluit. Hierdie lys moet voorberei word met inagneming van die toepaslike geintegreerde ontwikkelingsplanne soos voorberei volgens enige toepaslike wette van die plaaslike regering en die toepaslike grondontwikkelings-doelwitte soos kragtens artikel 27 van die Wet op die Fasilitering van Ontwikkeling, 1995, of, waar van toepassing, grondontwikkelings-doelwitte uit die aard kragtens van 'n wet van die provinsie;

(d) die maatreëls omskryf wat die provinsie moet onderneem met die oog op die versekering van behoorlike koördinasie tussen die vervoerplanne van die beplanningsowerhede waaroor die provinsie jurisdiksie het, soos dit van toepassing is;

(e) die geskatte vereistes vir befondsing vir elk van die vyf jaar uiteensit en die bronne aandui waarvandaan die nodige fondse volgens verwagting, verkry sal word;

(f) 'n gedetailleerde begroting van die provinsie aangaande padvervoer vir die toepaslike jaar in die formaat soos vereis deur die Minister, insluit;

(g) die finansiële strategieë van die provinsie vir die befondsing van die projekte in die korttermyn, spesifiseer;

(h) 'n algemene strategie of plan vir die padvervoer van gevaarlike stowwe op voorafbepaalde roetes, daarstel;

(i) die kern aanduiders wat gebruik sal word om die uitvoer van die funksies en verantwoordelikhede van die beplanningsowerhede volgens hierdie Wet, te meet, uiteensit;

(j) waar 'n wet van die provinsie vereis dat enige korttermyn saak binne die raamwerk hanteer moet word, daardie saak in ooreenstemming met daardie wet hanteer.

(4) Die provinsiale padvervoerraamwerk wat aan die Minister volgens hierdie artikel voorgelê word, moet vergesel wees van afskrifte van alle ooreenkomstes aangegaan aangaande inter-provinsiale vervoer soos besluit deur die provinsie en ander provinsies.

Die tipes planne soos vereis deur hierdie Wet

16. (1) Die volgende planne word vereis vir die doelwitte van hierdie Wet:

(a) Huidige rekords van openbare vervoer soos voorsien voor in artikel 18.

(b) Strategieë vir toestemming soos voorsien voor in artikel 19.

(c) Planne vir rasionalisering soos voorsien voor in artikel 20.

(d) Planne vir openbare vervoer soos voorsien voor in artikel 21.

(e) Planne vir ge-integreerde vervoer soos voorsien voor in artikel 22.

(2) Die proses begin met die voorbereiding van die huidige rekord van openbare vervoer wat die basis verskaf vir die ontwikkeling van –

(i) 'n strategie vir toestemmingsverlening

(ii) 'n plan vir rasionalisasie voor die proses om te tender vir kontrakte vir gesubsidiseerde dienste waarvoor voorsiening gemaak moet word in die openbarevervoerplan;

(iii) 'n openbarevervoerplan

(a) 'n Rasionalisasieplan is 'n taktiese plan waarteenoor 'n openbarevervoerplan en 'n ge-integreerde vervoerplan, strategiese en operasionale planne is.

(3) Langafstandsdienste, huurdienste, personeeldienste en toeristedienste mag nie verskaffing voor gemaak word nie en is nie onderhewig aan enige van die planne soos vermeld in sub-artikel (1).

(4) Voordat of op die datum soos bepaal volgens artikel 15(1) moet die beplanningsowerheid 'n kennisgewing in Engels en tenminste een ander amptelike taal, gepubliseer hê in 'n koerant wat versprei word in die gebied van die beplanningsowerheid en wat aandui dat die betrokke plan afgehandel is en beskikbaar is vir inspeksie op 'n plek aangedui in die kennisgewing.

(5) Die LUR mag finansiële of ander bystand verskaf aan beplanningsowerhede om hul sodoende te bemagtig om hul verpligtings volgens hierdie artikel, na te kom.

(6) Waar 'n beplanningsowerheid nie daarin kon slaag nie, of nie aan hul vereistes voldoen het volgens hierdie artikel nie, mag die LUR in ooreenstemming met die voorwaardes van artikel 139(1) van die Grondwet optree, wat die inlees van nodige veranderinge binne die konteks, van toepassing sal maak.

Beplanningsowerhede

17. (1) Planne soos bedoel in artikel 16(1)(a) en (b) en, waar van toepassing, artikel 16(1)(c), (d) en (e), moet voorberei word deur die volgende outoriteite, om bekend te staan as beplanningsowerhede:

(a) Kernstede aangedui kragtens artikel 4 van die Wet op Stedelike Vervoer, 1977 soos volgens hul MTA;

(b) Ander munisipaliteite in die Provinsie wie se regsgebiede nie in geheel of gedeeltelik ingesluit is in die MTAs nie, en wie die LUR aanwys vir hierdie doel deur middel van kennisgewing in die Provinsiale Koerant –

(i) in ooreenstemming met die Minister; en

(ii) kragtens die vraag en aanbod van openbare vervoer na en van die gebied en passasiersvervoer oral in die gebied.

Munisipaliteite so aangewys moet die toepaslike planne vir hul onderskeie regsgebiede, voorberei.

(2) (a) 'n Beplanningsowerheid mag ooreenkomste sluit met enige ander beplanningsowerheid of die departement wat hom bystaan in die uitvoering van sy werksaamhede volgens hierdie artikel.

(b) Nietemin, so 'n ooreenkoms ontneem nie die beplanningsowerheid van sy hoof verantwoordelikheid aangaande die werksaamhede aan hulle toevertrou volgens hierdie artikel, nie.

Huidige rekords vir openbare vervoer

18. (1) Sodra dit redelikerwys moontlik is na die aanvang van hierdie Wet, maar nie later as 'n datum soos bepaal deur die LUR in konsultasie met die Minister nie, moet elke beplanningsowerheid 'n lopende rekord van openbare vervoer voorberei, wat gehoor gee aan die vereistes van hierdie artikel.

(2) Die huidige lopende rekord van openbare vervoer moet voorberei word in ooreenstemming met die dokument getitel: "Vereistes en Formaat

vir die voorbereiding van 'n Huidige Lopende Rekord van Openbare Vervoer deur Kernstede" gepubliseer in die Staatskoerant op 22 Mei 1998 onder algemene kennigsgewing Nr 847 van 1998, inaggenome die veranderings nodig binne die konteks, en wat die volgende aantoon –

(a) al die volgende dienste wat bedryf word in die gebied van die beplanningsowerheid:

(i) alle geskeduleerde dienste wat of waarvoor -

(aa) voorsien word volgens tussentydse kontrakte;

(bb) voorsien word volgens huidige tender kontrakte;

(cc) bedryf word deur 'n bestaande munisipale vervoeroperateur;

(dd) bedryf word deur 'n bestaande parastatale vervoeroperateur;

(ee) bedryf word volgens toestemmings of toestemmings waar die diens vir daaglikse pendel bedoel is;

(ff) bedryf as personeeldienste wat 'n materiële impak op die openbare vervoersisteem het;

(gg) openbare vervoerdienste van enige ander aard soos verskaf volgens 'n kontrak vir enige kontrakowerheid;

(hh) verskaf deur enige ander operateur of op enige ander wyse; wettig of onwettig.

(ii) Alle ongeskeduleerde dienste -

(aa) vir daaglikse of nie-daaglikse pendel, bedryf onderhewig aan die outoriteit van toestemmings en omgeskakel na toestemmings volgens artikel 35;

(bb) bedryf as gemeterde taxidienste onder die outoriteit van toestemmings of toestemmings;

(cc) verskaf deur enige ander operateur of op enige ander wyse; wettig of onwettig.

(iii) Alle geskeduleerde dienste, ongeskeduleerde dienste en gemeterde taxidienste soos verskaf volgens kommersiële dienskontrakte; en

(b) al die fasiliteite en infrastruktuur in plek en benut in die betrokke gebied vir die doel of in verband met die openbare vervoerdienste soos gemeld in subparagrawe (I) tot (iii) van paragraaf (a), asook die fasiliteite en infrastruktuur wat in die ontwikkelingsfase is vir daardie doel of in daardie verband binne die betrokke area.

(3) Die huidige, lopende rekords van openbare vervoer –

(a) moet aan die LUR voorgelê word deur die beplanningsowerhede, nie later as die datum, soos vir daardie doel deur die LUR bepaal is met instemming van die Minister en bekend gemaak is deur kennisgewing in die *provinsiale koerant*, nie;

(b) moet deur die beplanningsowerhede op 'n deurlopende basis opgedateer word deurdat hulle die veranderings in die verskaffing van openbare vervoerdienste met betrekking tot hul besondere gebiede, opteken en besondere aandag gee aan die wysiging, oordrag, opskorting, verval, onttrekking en uitreiking van toestemmings of toestemmings deur die toestemmingsraad, opteken.

(c) moet die basis vorm vir die ontwikkeling van strategieë vir toestemmings, rasionaliseringsplanne en openbarevervoerplanne.

Strategieë vir Toestemmingsverlening

19. (1) Met die doel om te verseker dat die beplanningsowerhede se aanbevelings aan die toestemmingsraad, daardie raad in staat sal stel om 'n balans te verkry tussen die aanbod van openbare vervoer en die vraag daarna wat beide doeltreffend en geskik is, wanneer hulle aansoeke om toestemmings afhandel, moet elke beplanningsowerheid, in die afwesigheid van 'n openbarevervoerplan, 'n plan voorberei wat bekend sal wees as 'n toestemmings-strategie wat die beplanningsowerheid se beleid en strategieë bevat met betrekking tot –

(a) die rol van elke wyse van vervoer met betrekking tot sy gebied;

(b) die omstandighede waaronder toestemmings of toestemmings wat aan die bedryf van openbare vervoer binne enige deel van sy gebied toestemming verleen om te funksioneer, toegelaat behoort te word;

(c) die benutting van die fasiliteite van openbare vervoer binne sy gebied;

(d) die vermy van nuttelose kompetisie tussen vervoerbedrywers;

(e) die afsluit van kommersiële dienskontrakte vir ongesubisdeerde openbare vervoerdienste; en

(f) die voorvereistes wat dit sou verkies wat die toestemmingsraad met betrekking tot toestemmings, moet afdwing.

(2) Elke beplanningsowerheid moet verseker dat sy toestemmingsstrategie op 'n deurlopende basis opgedateer en gereeld gekonsolideer word, maar moet tenminste tweemaal per jaar gedoen word.

Rasionaliseringsplanne

20 (1) Waar dit voorgestel is dat 'n openbare vervoerdiens bedryf volgens 'n huidige tenderkontrak of tussentydse kontrak of deur 'n munisipale of parastatale operateur, moet voortgaan, na die vervaldatum van die kontrak waarvolgens dit bedryf word, in terme van 'n gesubsideerde kontrak, moet die beplanningsowerheid in wie se gebied die diens bedryf word, 'n rasionalisasie plan voorberei, vir voorlegging aan die LUR, voordat die diens wat bedryf word volgens die gesubsideerde dienskontrak, uitgeplaas word vir openbare tender, met die oog op:

(a) vermindering van die vlak van subsidie;

(b) vermyding van kompetisie op die pad tussen gesubsideerde dienste;

(c) strukturering van gesubsideerde – dienskontrakte op so 'n wyse dat genoegsame mededingende aanbiedinge deur kwalifiserende tenderaars aangelok word;

(d) versekering dat roetes en die netwerk van roetes, tot die maksimum benut word om sodoende die aanvraag deur die passasiers op 'n geskikte en doeltreffende manier te benut; en

(e) fasilitering van die toekomstige ontwikkeling van 'n geintegreerde openbarevervoersisteem.

(2) Elke rasionaliseringsplan moet opgevolg word deur 'n openbarevervoerplan wat die doeltreffende bedryf van die rasionaliseringsplan tot gevolg het.

(3) Die rasionaliseringsplan moet die volgende bevat –

(a) die voorgestelde veranderinge aan die roetes of netwerk van roetes, of beide;

(b) die voorgestelde veranderinge aan die dravermoë van die aantal passasiers wat verskaf word op die roetes of die netwerk van roetes, of beide;

(c) die voorgestelde wyse vir die strukturering van kontrakte om mededingend te kan tender;

(d) die potensiële impak van die rasionalisering op die verskillende wyses van vervoer;

(e) 'n aanduiding van die verbeterings wat uitgevoer gaan word tot voordeel van die passasiers.

(f) 'n aanduiding van die moontlike hindernisse met betrekking tot die implementering van die plan en die voorgestelde strategieë om dit te oorkom.

Openbarevervoerplanne

21. (1) 'n Beplanningsowerheid wat 'n rasionalisasieplan voorberei het, moet ook 'n openbarevervoerplan voorberei met die oog op die vasstelling en spesifisering van die openbare vervoerdienste wat hulle verskaf wil hê –

(a) volgens kommersiële dienskontrakte vir

(i) geskeduleerde dienste;

(ii) ongeskeduleerde dienste;

(iii) gemeterde taxidienste;

(b) volgens gesubsideerde dienskontrakte vir geskeduleerde dienste;

(c) as ongekontrakteerde dienste wat is –

(i) geskeduleerde dienste

(ii) ongeskeduleerde dienste

(iii) gemeterde taxidienste is, en bedryf word sonder enige ander subsidie behalwe daardie waarvoor voorsiening

gemaak is volgens kommersiële dienskontrakte soos bedoel in paragraaf (a)

(2) Die openbarevervoerplan moet voorberei word met die oog op die ontwikkeling en implementering van die integrasie van openbare vervoerdienste en moet die volgende bevat -

(a) die visie, doelstellings en doelwitte van die beplanningsowerheid vir openbare vervoer in sy gebied;

(b) die beplanningsowerheid se strategieë vir –

(i) die bepaling van die rol van elke wyse van vervoer;

(ii) die vermindering van die vlak van subsidie en die uitbreiding van kommersiële lewensvatbaarheid;

(iii) die vermyding van nuttelose kompetisie op die pad tussen openbare vervoerdienste;

(iv) die strukturering op so 'n wyse van gesubsideerde dienskontrakte en kommersiële dienskontrakte, dat dit die mededingende aanbiedinge van kwalifiserende tenderaars aanlok;

(v) die versekering dat roetes en netwerke so verhoog en verbeter is dat dit die vraag van die passasiers op 'n geskikte en doeltreffende manier bevredig; en

(vi) die fasilitering van die toekomstige ontwikkeling van 'n ge-integreerde openbarevervoersisteem; en

(c) die bedryfsplan insluitend –

(i) alle kontrakte soos be-oog in sub-artikel (1) (a) en (b);

(ii) die strategie vir toestemmingsverlening vir dienste soos be-oog in sub-artikel (1)(c).

Ge-integreerde vervoerplanne

22 (1) Die LUR mag vereis dat die beplanningsowerhede jaarliks, maar nie later as 60 dae voor die aanvang van die betrokke finansiële jaar, vir hul onderskeie gebiede, ge-integreerde vervoerplanne vir die vyf jaar tydperk wat 'n aanvang neem op die eerste dag van daardie finansiële jaar , voorberei –

(a) in ooreenstemming met riglyne en op die wyse en in die vorm soos algemeen voorgeskryf deur die LUR; en

(b) wat voldoen aan sub-artikel (2), en terselfdertyd die sodanig voorbereide plan aan die Minister voorlê.

(2) Die ge-integreerde vervoerplan moet-

(a) ooreenstem met die nasionale en provinsiale beleide asook met die amptelike visie; beleid en doelwitte van die beplanningsowerheid, met inagneming van enige toepaslike ge-integreerde ontwikkelingsbeplanning of doelwitte vir die ontwikkeling van grond;

(b) die veranderings aan die padvervoerbeleide en-strategieë sedert die vorige vyfjaarplan van die beplanningsowerheid, spesifiseer;

(c) 'n voorkeurlys wat in volgorde van voorrang, die projekte en segmente van projekte wat in die vyfjaar-periode uitgevoer moet word met die koste aan elk verbonde, insluit. Die lys moet voorberei word met die toepaslike geintegreerde ontwikkelings planne, voorberei volgens alle toepaslike wette van die plaaslike owerheid en die toepaslike doelwitte vir die ontwikkeling van grond gestel volgens artikel 27 van die Wet op die Fasilitering van Ontwikkeling 1995, inaggenome, of waar van toepassing, doelwitte vir die ontwikkeling van grond van die aard soos gestel volgens 'n Wet van die provinsie;

(d) die geskatte vereistes vir befondsing vir elk van die vyf jaar uiteensit, en die bronne waarvandaan die nodige fondse verwag word om verkry te word, aandui.

(e) die gedetailleerde begroting van die beplanningsowerheid met betrekking tot padvervoer vir die toepaslike finansiële jaar, insluit, in die formaat soos voorgeskryf deur die LUR;

(f) die finansiële strategieë van die beplanningsowerheid vir die korttermyn befondsing van projekte, spesifiseer;

(g) die openbarevervoerplan van die beplanningsowerheid, insluit;

(h) 'n algemene strategie vir die bestuur van reisbehoeftes uiteensit; en

(i) 'n algemene strategie of plan vir die verskuiwing van gevaarlike stowwe op aangewese roetes per pad, uiteensit.

Algemene provinsiale beginsels en beleid vir padvervoer binne die konteks van ontwikkeling.

23. (1) Die LUR, deur kennisgewing in die provinsiale koerant, mag –

(a) beginsels vir padvervoer in die provinsie wat nie standhoudend is met die algemene beginsels soos vermeld in artikel 15 of die bekendgemaakte beleid of verder voorgeskryf deur die Minister wat ter ondersteuning van ontwikkeling is, voorskryf; en

(b) die provinsiale beleid met betrekking tot padvervoer binne die konteks van ruimtelike ontwikkeling of enige aspek daarvan wat standhoudend is met die beginsels van die nasionale beleid vir padvervoer deur die Minister in die provinsiale koerant publiseer, vir algemene kennisname, en daarna moet die provinsiale beleid toegepas en aan gehoor gegee word in die provinsie.

Konflikte tussen vervoerbeplanning en die doelwitte of beplanning vir die ontwikkeling van grond.

24 (1) Elke beplanningsowerheid moet verseker dat enige vervoerplan wat voorberei is volgens hierdie Wet, nie strydig is met die doelwitte vir die ontwikkeling van grond soos voorberei volgens artikel 30 van die Wet op die Fasilitering van Ontwikkeling, 1995, of waar van toepassing, 'n wet van die provinsie, of met ge-integreerde ontwikkelingsplanne uitgevoer volgens enige Wet van die toepaslike plaaslike owerheid.

(2) Waar 'n vervoerplan soos voorberei volgens hierdie Wet, nie ooreenstem met die bestaande doelwitte vir die ontwikkeling van grond, of die bestaande ge-integreerde ontwikkelingsbeplanning van 'n munisipaliteit, en die saak kan nie uitgeklaar word tussen die beplanningsowerheid en die munisipaliteit nie, moet die beplanningsowerheid die saak na die LUR verwys, wie dan oor die saak 'n besluit moet neem in konsultasie met die LUR verantwoordelik vir grondsake.

(3) Geen vervoerbeplanning mag onderneem word alvorens daar nie samesprekings op die voorgeskrewe wyse tussen die toepaslike belangegroepe plaasgevind het nie.

Die LUR se magte om regulasies aangaande die beplanning van vervoer te maak

25. (1) Die LUR, mag regulasies maak deur 'n kennisgewing in die provinsiale koerant –

(a) die vereistes aangaande die prosedures van die voorbereiding, wysiging, hersiening, opdatering, voorlegging en inhoud van die vervoerplanne soos vereis deur hierdie Wet, voorskryf;

(b) riglyne vir die verskaffing van openbare vervoerdienste en fasiliteite deur beplanningsowerhede en vir hul regulering vir die gebruik daarvan, voorskryf;

(c) met betrekking tot die koördinasie van padvervoer in alle gebiede onder die jurisdiksie van die provinsie;

(d) met betrekking tot sake of faktore van provinsiale belang wat in ag geneem moet word tydens die voorbereiding van strategieë vir toestemmings, openbare vervoerplanne of ge-integreerde vervoerplanne; en

(e) enige saak voorskryf wat volgens hierdie Hoofstuk, deur die LUR voorgeskryf mag of voorgeskryf moet word.

HOOFSTUK 5

AANSTELLING VAN PROVINSIALE TAXI REGISTRATEUR EN REGISTRASIE VAN TAXIVERENIGINGS, LEDE EN NIE-LEDE

Provinsiale Taxi Registrateur

26.(1) Die LUR moet 'n geskikte en gepaste persoon as Provinsiale Taxi Registrateur aanstel wat die werksaamhede deur of kragtens hierdie Wet aan hom of haar verleen of opgedra, moet verrig.

(2) Die Registrateur beklee sy of haar amp vir die tydperk, maar hoogstens vir vyf jaar, wat die LUR tydens sy of haar aanstelling bepaal, en is bevoeg om by die verstryking van sy of haar ampstermyn weer aangestel te word.

(3) (a) Geen persoon mag as Registrateur aangestel word indien sodanige persoon, hetsy persoonlik of deur sy of haar gade, onmiddellike familielid, besigheidsvennoot of medewerker, 'n regstreekse of onregstreekse finansiële belang het of verkry het in enige saak of onderneming met betrekking tot openbare vervoer wat, na die mening van die LUR, mag bots of inmeng met die behoorlike verrigting van sy of haar werksaamhede as Registrateur.

(b) Vir die doeleindes van hierdie subartikel het die uitdrukkings "gade" en "onmiddellike familielid" die betekenisse daaraan toegewys in artikel 3(5)(b).

(4) Wanneer die Registrateur tydelik afwesig is of nie in staat is om sy of haar werksaamhede te verrig nie, kan die LUR 'n waarnemende Registrateur aanstel om tydelik in die Registrateur se plek op te tree.

(5) (a) Die LUR kan, nadat hy of sy die Registrateur die geleentheid gegee het om sy of haar saak te stel, te eniger tyd die Registrateur se ampstermyn beëindig indien hy of sy onbevoeg geraak het ingevolge subartikel (3) of op grond van wangedrag, onbevoegdheid of onbekwaamheid.

(b) 'n Besluit om die Registrateur op grond van wangedrag, onbevoegdheid of onbekwaamheid te verwyder, moet gebaseer wees op 'n bevinding tot daardie effek deur 'n komitee van ondersoek kragtens artikel 14 deur die LUR aangestel.

(6) Wanneer die amp van registrateur vakant is, moet die LUR onmiddellike stappe neem om 'n plaasvervanger aan te stel.

(7) Die Registrateur kan, ten einde sy of haar werksaamhede ingevolge hierdie Wet uit te voer-

(a) 'n persoon wat geraak word deur of wat 'n belang het in 'n aangeleentheid, of die behoorlik gemagtigde verteenwoordiger van sodanige persoon, toelaat om voor hom of haar te verskyn en-

(i) getuienis af te lê of mondelinge vertoë met betrekking tot die aangeleentheid te rig; of

(ii) getuies te roep en getuienis aan te voer met betrekking tot 'n vraag wat betrekking het op die aangeleentheid; of

(iii) 'n persoon wat getuienis by die aangeleentheid afgelê het, te ondervra;

(b) deur skriftelike kennisgewing van 'n persoon vereis om voor hom of haar te verskyn om getuienis af te lê of om 'n dokument in sy of haar besit of onder sy of haar beheer, voor te lê;

(c) 'n persoon wat voor hom of haar as getuie verskyn, ondervra;

(d) weier om 'n persoon aan te hoor wat voor hom of haar as getuie verskyn wat weier om beëdig of bevestig te word;

(e) 'n eed of bevestiging aan 'n persoon wat voor hom of haar verskyn, oplê.

Werksaamhede van Registrateur

27. Die Registrateur moet -

(a) aansoeke vir registrasie deur verenigings en hulle lede, interprovinsiale verenigings en hulle lede, sekondêre verenigings en nie-lede kragtens hierdie Hoofstuk ontvang, oorweeg en daaroor besluit en hulle en ander openbare vervoermodusse op die voorgeskrewe wyse registreer;

(b) die LUR adviseer oor aangeleenthede wat binne die omvang van hierdie Hoofstuk val en inligting rakende aangeleenthede van openbare belang in die loop van die uitoefening van sy of haar werksaamhede kragtens hierdie Hoofstuk, verkry, aan die LUR oordra;

(c) alle redelike stappe neem om inligting te kontroleer en te ontvang met betrekking tot die voldoening of nie-voldoening deur geregistreerde verenigings en geregistreerde nie-lede onderskeidelik, aan die bepalings van die Standaard Grondwet en die Gedragskode vir Nie-lede;

(d) bystand aan geregistreerde verenigings, hulle lede en nie-lede verleen met die bevordering van professionele praktyke;

(e) alle redelike stappe neem om verenigings aan te moedig om ingevolge hierdie Hoofstuk te registreer en advies en bystand te voorsien om hulle in staat te stel om suksesvol vir registrasie aansoek te doen;

(f) in elke kalenderjaar, so gou as moontlik na die einde van elke boekjaar, 'n jaarverslag aan die LUR voorlê wat inligting bevat:

(i) die werksaamhede van die Registrateur se kantoor;
(ii) die werksaamhede van die paneel van assessors en hulle rol en bydrae in die bystand tot die Registrateur in die uitoefening van die werksaamhede van daardie kantoor kragtens hierdie hoofstuk;
(iii) aangeleenthede rakende die registrasie van verenigings, hulle lede, en nie-lede; en
(iv) ander verbandhoudende aangeleenthede met betrekking tot of wat voortspruit uit die toepassing van hierdie hoofstuk.

Die LUR moet die Registrateur se verslag, binne 21 dae na ontvangs, in die provinsiale wetgewer ter tafel lê, indien die wetgewer in sitting is, of indien dit nie in sitting is nie, binne 21 dae na die begin van die volgende sessie.

(g) na oorlegpleging met die Paneel (indien enige), aanbeveling aan die LUR maak aangaande-

(i) die minimum getal lede wat 'n primêre vereniging moet hê om in aanmerking te kom vir registrasie;
(ii) die minimum tydperk waartydens 'n vereniging moes bestaan het om in
aanmerking te kom vir registrasie;
(iii) die metode van ondersoek na bewering van onbehoorlike gedrag of versuim om te voldoen aan sy grondwet of die Gedragskode vir Nie-

lede waaraan 'n vereniging of nie-lid kragtens hierdie Wet geregistreer, na bewering skuldig is;

(h) ondersoek instel, oorweging skenk aan en 'n besluit neem oor -

(i) die uitreiking van waarskuwings aan geregistreerde verenigings en nie-lede;

(ii) die opskorting van die registrasie van 'n geregistreerde vereniging of nie-lid;

(iii) die deregistrasie van 'n geregistreerde vereniging of nie-lid;

(iv) die oplegging van boetes aan geregistreerde verenigings en nie-lede;

(i) 'n databasis hou wat die voorgeskrewe inligting bevat;

(j) appèlle aanhoor teen besluite van die Provinsiale Taxi Raad soos voorsien in die Standaard Grondwet;

(k) voorgestelde wysigings aan die grondwette van geregistreerde verenigings evalueer om te verseker dat die wysigings in ooreenstemming met die bepalings van die Standaard Grondwet is.

Werksaamhede van LUR

28. (1) Die LUR kan -

(a) 'n Standaard Grondwet voorskryf waaraan geregistreerde verenigings en geregistreerde lede moet voldoen;

(b) 'n Gedragskode vir Nie-lede voorskryf waaraan geregistreerde nie-lede moet voldoen; en

(c) bykomende reëls voorskryf -

(i) met betrekking tot die vereistes waaraan 'n geregistreerde vereniging moet voldoen in die uitvoering van sy sake;

(ii) met betrekking tot die vereistes waaraan 'n geregistreerde nie-lid moet voldoen in die hantering van sy of haar besigheid; en

(iii) aangaande welke gedrag van geregistreerde verenigings, lede of nie-lede onbehoorlike gedrag sal uitmaak.

(2) Die Standaard Grondwet moet minstens na die volgende aangeleenthede verwys of daaroor handel:

(a) naam, adres en registrasienommer van die vereniging;

(b) samestelling van die vereniging;

(c) doelwitte en oogmerke van die vereniging, wat 'n doelwit moet insluit om wangedrag van sy lede uit te skakel;

(d) juridiese gebied van die vereniging;

(e) samestelling, aanwysing, magte en pligte van die uitvoerende komitee;

(f) daarstelling van staande komitees, inlsuitende minstens 'n dissiplinêre komitee, 'n finansiële komitee en 'n griewekomitee;

(g) kriteria en aansoekprosedures vir lidmaatskap en regte, pligte en inskrywing van lede;

(h) prosedures vir en aangeleenthede wat aandag moet geniet tydens jaarlikse en spesiale algemene vergaderings;

(i) finansies en eksterne ouditering;

(j) prosedure vir wysiging van die grondwet;

(k) vereistes vir samesmelting met ander verenigings;

(l) ontbinding van die vereniging;

(m) 'n gedragskode, dissiplinêre prosedures en appèlprosedures;

(n) grieweprosedures; en

(o) enige ander aangeleentheid soos voorgeskryf.

(3) Die LUR kan regulasies instel wat -

(a) die wyse voorskryf waarvolgens 'n vereniging of nie-lid om registrasie moet aansoek doen;

(b) die fooie voorskryf wat betaalbaar is aan die registrateur ten opsigte van 'n aansoek om registrasie en jaarlikse fooie wat betaalbaar mag wees aan die Registrateur deur 'n vereniging of nie-lid;

(c) die vorm en inhoud van registrasiesertifikate voorskryf;

(d) die metode voorskryf van ondersoek na aanklagte van onbehoorlike gedrag of die beweerde nalating van 'n vereniging of nie-lid om te

voldoen aan die voorskrifte van sy grondwet of die Gedragskode vir Nie-lede, onderskeidelik;

(e) die minimum aantal lede voorskryf wat 'n vereniging moet hê ten einde vir registrasie in aanmerking te kom;

(f) die minimum tydperk voorskryf waartydens 'n vereniging reeds moes bestaan ten einde vir registrasie te kwalifiseer;

(g) geld ten opsigte van ondersoeke en vereistes rakende die aanwending deur verenigings van hulle fondse;

Met dien verstande dat verskillende regulasies ingestel kan word vir verskillende gebiede in die Provinsie.

(4) Slegs persone en verenigings wat ingevolge hierdie Wet geregistreer is, sal-

(a) geregtig wees op opleiding wat gedeeltelik of in totaal deur die Departement befonds word;

(b) geregtig wees op bystand wat voorsien mag word ten einde 'n koöperasie te stig vir houers van toestemming;

(c) geregtig wees op finansiële bystand wat toegewys kan word aan lede van koöperasies;

(d) geregtig wees om 'n lid van 'n koöperasie te word;

(e) geregtig wees om te tender vir gesubsideerde of kommersiële dienskontrakte;

(f) geregtig wees op ander vorme van bystand wat voorsien mag word aan houers van toestemmings en verenigings; en

(g) geregtig wees om vir 'n toestemming aansoek te doen.

Registrasie van verenigings, lede en nie-lede

29. (1) 'n Vereniging of inter-provinsiale vereniging, en elke lid daarvan of 'n nie-lid, moet op die voorgeskrewe wyse en tesame met die voorgeskrewe aansoekfooie, 'n skriftelike aansoek om registrasie rig aan die Registrateur : Met dien verstande dat 'n aansoek om registrasie wat met die aanvang van hierdie Wet -

(a) reeds toegestaan was, geag sal wees as uitgereik ingevolge die voorskrifte van hierdie Wet; en

(b) nog nie afgehandel was nie, geag sal word as 'n aansoek vir registrasie ingevolge hierdie Wet.

(2) Die Registrateur moet 'n sertifikaat van voorwaardelike registrasie toestaan en 'n registrasienommer aan 'n vereniging en elkeen van sy lede wat met aansoek hom of haar tevrede stel -

(a) dat dit reeds bestaan vir die voorgeskrewe minimum tydperk : Met dien verstande dat die Registrateur die diskresie het om verenigings te registreer wat vir korter tydperke bestaan het waar dit na sy of haar mening toepaslik is;

(b) dat die ledetal voldoen aan die voorgeskrewe minimum getal: Met dien verstande dat die Registrateur die diskresie het om verenigings waarin daar minder lede is te registreer wanneer hy/sy van mening is dat dit om geografiese of demografiese redes geregverdig is;

Met dien verstande dat die voorwaardelike registrasie wat aan die vereniging toegestaan is, sal verval as daar nie aan die Vereniging of nie-lid volle registrasie binne ses maande vanaf die toekenning van die voorwaardelike registrasie, toegestaan is nie.

(3) Die Registrateur moet 'n registrasiesertifikaat asook 'n registrasienommer aan 'n vereniging of inter-provinsiale vereniging uitreik indien hulle deur hul aansoek die Registrateur tevrede gestel het dat –

(a) dit vir die voorgeskrewe minimum tydperk bestaan, behoudens die bepaling in subartikel (2)(a);

(b) die ledetal die minimum voorgeskrewe getal is; behoudens die bepaling in subartikel (2)(b);

(c) die grondwet wat deur die vereniging voorgelê is, geteken en aanvaar is deur elke lid en in ooreenstemming is met die voorwaardes van die Standaard Grondwet en die vereistes daarvan insluit, asook ander voorgeskrewe vereistes;

(d) die aansluitingsgeld, die jaarlikse lidmaatgeld en ander Gelde betaalbaar aan die vereniging deur sy lede, nie die voorgeskrewe maksimum oorskry nie;

(e) elke lid waarvoor aansoek gedoen is, toestemming het vir elke motorvoertuig wat hy/sy bestuur en dat die bedryf wetlik binne die gesag van sodanige toestemmings is; en

(f) dat al die inligting soos vereis deur die Registrateur verskaf is, of soos voorgeskryf, en dat die inligting op die voorgekrewe manier nagegaan is.

(4) Die Registrateur moet 'n sertifikaat van registrasie uitreik aan 'n lid van 'n geregistreerde vereniging of inter-provinsiale vereniging wat in die Provinsie

gesetel is en wat deur sy aansoek aan die vereniging deur sodanige vereniging, die Registrateur tevrede stel dat –

(a) die vereniging of inter-provinsiale vereniging aan wie die lid behoort, geregistreer is;

(b) die lid 'n toestemming het vir elke motorvoertuig wat hy/sy bestuur en dat die bedryf wetlik binne gesag van sodanige toestemmings is;

(c) die lid geteken het en ingestem het om te hou by die grondwet voorgelê deur die geregistreerde vereniging waarvan hy/sy lid is; en

(d) die lid al die inligting soos vereis deur die Registrateur of soos voorgeskryf, verskaf het en dat die inligting op die voorgeskrewe manier nagegaan is.

(5) Die Registrateur moet 'n registrasiesertifikaat uitreik aan 'n nie-lid wat in die Provinsie gesetel is en wat met sy aansoek die Registrateur tevrede stel dat –

(a) die nie-lid die Gedragskode wat in die Provinsie van toepassing is, onderskryf;

(b) die nie-lid –

(i) in besit is van 'n toepaslike toestemming of toestemming vir elke voertuig waarmee die nie-lid 'n openbare vervoerdiens bedryf; en

(ii) die openbare vervoerdiens, waarna in die toestemming verwys word, bedryf in ooreenstemming daarmee, en volgens die voorwaardes daaraan verbonde, volgens die gesag toegeken deur die toestemming;

(c) die aansoek om registrasie gedoen is aan-

(i) die Registrateur van die Provinsie; en
(ii) op die wyse voorgeskryf in hierdie Hoofstuk, vergesel van aansoekgeld soos voorgeskryf deur die LUR;

(d) die nie-lid, indien 'n regspersoon-

(i) bestaan vir 'n tydperk van nie korter as die tydperk wat bepaal is deur die LUR deur kennisgewing in die provinsiale staatskoerant; en
(ii) waarvan die lede, in die geval van 'n maatskappy of beslote korporasie ge-inkorporeer of geregistreer is kragtens die Maatskappyewet, 1973 (Wet Nr 61 van 1973), of die Wet op Beslote Korporasies, 1984 (Wet Nr 69 van 1984) , onder-

skeidelik, wat nie twee of meer persone insluit nie wat ten tye van die samestel van die maatskappy of beslote korporasie, of enige tyd daarna,openbare vervoerdienste bedryf wat grotendeels ooreenstem met die openbare vervoerdienste wat deur die maatskappy of beslote korporasie bedryf word nie; of

(e) Die aansoeker se registrasie as nie-lid toegeskryf kan word aan die volgende redes:

(i) Daar geen geregistreerde vereniging is met betrekking tot die roete of roetes waar die aansoeker se openbare vervoerdiens bedryf word nie; of

(ii) waar daar so 'n geristreerde vereniging is, indien-

(aa) die aansoeker lidmaatskap van die vereniging geweier is; of

(bb) die aansoeker nie voldoen aan die vereistes om toelating tot lidmaatskap van die vereniging nie; of

(cc) die toelatingsvereistes van die vereniging onredelik is; of

(dd) die heersende omstandighede inaggenome,dit nie redelikerwys van die aansoeker verwag kan word om 'n lid van die vereniging te word nie; of

(ee) indien die aansoeker wel toegelaat word as lid van die vereniging, onderworpe sal wees aan onregverdige diskriminasie.

(6) Indien, na die oorweging van die aansoek om registrasie, die Registrateur nie tevrede is dat die aansoeker voldoen het aan die vereistes vir registrasie nie, hy/sy die aansoeker moet inlig aan welke vereistes nie voldoen is nie en mag die aansoeker met raad en bystand help om sodoende die aansoeker in staat te stel om aan die vereistes vir registrasie te voldoen.

(7) Op registrasie van 'n inter-provinsiale vereniging of 'n nie-lid wat inter-provinsiale taxidienste onderneem, moet die Registrateur 'n afskrif van die registrasie sertifikaat aan elke Registrateur elke provinsie waarheen of waarvandaan lede van die vereniging of die nie-lid hul sake bedryf.

(8) 'n Vereniging of nie-lid geregistreer in 'n ander provinsie moet 'n verklaring op die voorgeskrewe vorm teken dat so 'n vereniging of nie-lid sal voldoen aan die voorwaardes van die Gedragskode of Gedragskode vir Nie-Lede, onderskeidelik en in die geval van 'n vereniging, sal die Griewe-en Dissiplinere Prosedures van toepassing wees.

(9) Die Registrateur mag 'n vereniging deregistree, lid of nie-lid op versoek, of waar

(a) die vereniging, lid of nie-lid van die register geskrap is kragtens artikel 33;

(b) die vereniging nie meer bestaan nie of hul bedryf buite die Provinsie gaan vestig het;

(c) 'n lid of nie-lid wat nie langer die houer van 'n geldige toestemming is wat sy bedryf dek nie.

10. Die Registrateur moet die Raad in kennis stel van enige deregistrasie van 'n vereniging of 'n nie-lid, waarop die Raad die volgende moet onttrek –

(a) die toestemmings van al die lede van so 'n vereniging, behalwe waar deregistrasie die gevolg is van die vereniging wat sy setel van bedryf verskuif na buite die Provinsie;

(b) die toestemming van die betrokke nie-lid.

11. Geen vereniging mag verteenwoordig word op 'n plaaslike taxiraad of vervoerforum soos bedoel in hierdie Wet nie, of aanbevelings aangaande aansoeke om toestemmmings volgens hierdie Wet verskaf nie, en geen vereniging of nie-lid sal geregtig wees om enige voordele soos verskaf kragtens hierdie Wet deur 'n staatsdepartement of instelling in enige ander sfeer van regering, geniet nie behalwe as sodanige vereniging of nie-lid geregistreer is kragtens hierdie Wet.

Onderskeidende registrasieskywe

30. (1) Die Registrateur mag registrasieskywe of kentekens uitreik vir elke voertuig wat wetlik bedryf word deur geregistreerde lede en nie-lede.

(2) 'n Registrasiesertifikaat en registrasieskywe sal volgens die voorgeskrewe vorm uitgereik word.

Paneel van Assessore

31. (1) Die LUR mag vier persone as 'n Paneel van Assessore aanstel wat bekend sal staan as die Registrateur se Paneel van Assessore om die Registrateur te adviseer aangaande sake wat deur die Paneel na hom of haar verwys word.

(2) Rakende lede van die Paneel-

(a) een lid sal die langafstand minibus taxi-industrie van die Provinsie verteenwoordig en 'n ander lid sal die kortafstandminibus taxi-industrie van die Provinsie verteenwoordig;
(b) een lid sal vanuit enige gemeenskap in die Provinsie aangestel word om die passassiers te verteenwoordig; en
(b) een lid sal kennis of ondervinding van die wet hê.

(3) Die Registrateur mag, na samesprekings met die LUR, nie meer as vyf lede nie, koöpteer om op die Paneel aangaande 'n besondere aangeleentheid te dien en hulle mag insluit -

(a) persone wat munisipaliteite verteenwoordig;
(b) persone wat arbeidsbelange verteenwoordig

en 'n persoon so gekoöpteer mag op versoek van die voorsitter deelneem

en stem tydens vergaderings van die Paneel.

(4) (a) Uitgeslote die lede waarna verwys word in subartikel (2)(a), mag geeneen aangestel of as lid van die Paneel aanbly indien hy/sy of in hul persoonlike hoedanigheid, of deur sy of haar eggenoot, 'n onmiddellike familielid, sakevennoot of medewerker, 'n direkte of indirekte finansiële belang het of verkry het in enige besigheid of onderneming wat verband hou met openbare vervoer, of verkies word as ampsdraer in 'n vereniging, of betrokke is by 'n aktiwiteit wat volgens die mening van die LUR, teenstrydig is of inmeng met die behoorlike uitvoering van sy/haar aktiwiteite as lid van die Paneel.

(b) Vir die doel van hierdie subartikel beteken "eggenoot" en "onmiddellike familielid" dit wat daaraan geheg word in artikel 3(5)(b).

(5) Lede en gekoöpteerde lede van die Paneel sal vergoeding en toelaes ontvang vir hul dienste en sal aangestel word kragtens en volgens voorwaardes en tydperke soos deur die LUR bepaal.

(6) Die LUR mag, nadat hy/sy aan 'n lid van die Paneel die geleentheid gegun het om sy of haar kant van die saak te stel, te enige tyd sodanige lid se ampstydperk beëindig indien hy of sy gediskwalifiseerd geraak kragtens subartikel (4) of op grond van wangedrag, onvermoë of onbekwaamheid.

(7) Die Registrateur sal die voorsitter van die Paneel wees.

(8) Drie lede van die Paneel en die Registrateur sal 'n kworum vorm vir vergaderings van die Paneel.

(9) Behalwe soos voorsien deur hierdie artikel, bepaal die Paneel welke Prosedure van toepassing is tydens hul vergaderings.

(10) Die Registrateur moet samesprekings hou met die Paneel, (indien enige) voordat enige vereniging geregistreer, gederegistreer of opgeskort word.

Byhou van inligting

32. (1) Geregistreerde verenigings, lede en nie-lede moet die Registrateur in kennis stel van enige veranderinge aan die inligting soos verskaf volgens hierdie Hoofstuk, binne 14 dae nadat die verandering van krag geword het.

(2) Geregistreerde verenigings moet die Registrateur binne sewe dae in kennis stel van die uitslae van enige griewe of dissiplinêre geding, nadat daar 'n besluit geneem is, of die uitslag van 'n appèl bekend gemaak is.

Die versuim deur 'n vereniging of nie-lid om te voldoen aan sy grondwet of Gedragskode vir Nie-Lid, onderskeidelik, asook die magte van die Registrateur

33. (1) Waar die Registrateur redelikerwys vermoed dat –

(a) 'n geregistreerde vereniging versuim het om te voldoen aan die reëls soos uiteengesit in sy grondwet of soos voorgeskryf deur die LUR; of

(c) 'n Nie-lid wat versuim het om te voldoen aan die Gedragskode vir Nie-Lede,

moet hy/sy die saak op die voorgeskrewe wyse ondersoek.

(2) (a) Indien, as gevolg van die ondersoek –

(i) gevind word dat 'n geregistreerde vereniging versuim het omdie reëls na te kom soos uiteengesit in die grondwet of voorgeskryf deur die LUR; of
(ii) gevind word dat 'n nie-lid versuim het om die Gedragskode vir Nie-Lede na te kom,

en die Registrateur van mening is dat die v suim reggestel kan word, moet die Registrateur 'n skriftelike kennisgewing stuur aan die geregistreerde vereniging of die nie-lid, wat aandui dat die grondwet of voorgeskrewe reëls, of die Gedragskode vir Nie-Lede, soos van toepassing mag wees, nagekom word en die stappe uiteensit wat gevolg moet word binne 'n bepaalde tydperk, en navraag doen of die vereniging of nie-lid bystand benodig met die uitvoering daarvan.

(b) Indien die kennisgewing soos na verwys in paragraaf (a) nie nagekom word nie, moet die Registrateur -

(i) 'n boete oplê wat nie die bedrag soos na verwys in subartikel (8) oorskry nie; of
(ii) 'n skriftelike opdrag uitreik wat die sertifikaat van registrasie tydelik opskort; of
(iii) 'n skriftelike opdrag uitreik wat die sertifikaat van registrasie terugtrek;

Met dien verstande dat, sou die versuim die onderwerp wees van 'n kriminele of siviele geding in 'n hof, mag die Registrateur die ondersoek of ander aksies uitstel totdat die geding afgehandel is.

(3) Waar in die omstandighede soos bedoel in subartikel (2), die Registrateur van mening is dat die nie-nakoming nie reggestel kan word nie, moet hy of sy die stappe neem soos uiteengesit in subartikel (2) (b), en mag die vereniging of nie-lid daarvan diskwalifiseer om weer vir registrasie aansoek te doen.

(4) Waar die Registrateur deur 'n geregistreerde vereniging in kennis gestel word dat 'n lid opgeskort of verban is, moet die Registrateur die lid se registrasie opskort of onttrek, wat die geval mag wees :
Met dien verstande dat die Registrateur tevrede is dat die dissiplinêre prosedure in die vereniging se grondwet korrek en regverdig toegepas is en dat die lid nie in die proses is om teen die opskorting of verbanning te appelleer nie.

(5) Die Registrateur moet onmiddellik na die uitreiking van 'n bevel dat die naam van enige vereniging of nie-lid van die register geskrap word, 'n gesertifiseerde afskrif daarvan stuur aan die LUR, die Raad, betrokke munisipaliteite en regeringsdepartmente of instellings wat voordele of bystand verleen aan die de-registreerde vereniging of sy lede of de-regsitreerde nie-lid as gevolg van die feit dat hulle geregistreer is.

(6) 'n Vereniging of sy lede, of 'n nie-lid wat van die register geskrap is, moet hulle sertifikate van registrasie en alle kentekens wat aan hulle uitgereik is, aan die Registrateur terugbesorg binne sewe dae na ontvangs van 'n bevel van deregistrasie wat deur die Registrateur onderteken is.

(7) 'n Persoon wat wetend vals of misleidende inligting aan die Registrateur verskaf, of wat nalaat om enige plig wat deur hierdie Hoofstuk opgelê word uit te voer, is skuldig aan 'n oortreding en is met skuldigbevinding onderworpe aan strawe wat nie dit oorskry soos uiteengesit in artikel 56.

(8) Die Registrateur, na beraadslaging met die Paneel, mag 'n boete wat nie R100 000 oorskry nie, oplê aan 'n vereniging of nie-lid wat hom of haar met vals of misleidende inligting voorsien het, of wat nagelaat het om 'n plig na te kom wat deur hierdie Hoofstuk opgelê word, en sodanige boete moet in die Provinsiale Landelike Vervoerfonds inbetaal word.

(9) Waar die grondwet van 'n vereniging nie konsekwent is of die voorsienings van die Standaard Grondwet weerspreek, sal die voorskrifte van die Standaard Grondwet van toepassing wees eerder as die vereniging s'n.

(10) Enige person wat ontevrede is met die besluit van die Registrateur mag appelleer tot die LUR op die voorgeskrewe wyse en teen betaling van die voorgeskrewe fooi, wat

(a) die appèl in die geheel of gedeeltelik mag opskort, en, waar toepaslik, 'n besluit van die Registrateur kan aanpas;
(b) die appèl kan verwerp; of
(c) die saak terugverwys na die Registrateur vir heroorweging,

Met dien verstande dat die fooi terugbetaal moet word waar 'n appèl in die geheel of gedeeltelik suksesvol is of die saak na die Registrateur terugverwys is.

(11) Waar 'n persoon deur die Registrateur in kennis gestel is om 'n verhoor by te woon en nalaat om dit te doen, mag die verhoor voortgaan in sy of haar afgwesigheid en besluite geneem in opvolging van die verhoor sal steeds bindend wees op sodanige persoon nieteenstaande sy of haar afwesigheid, mits die Registrateur tevrede is dat die persoon die kennisgewing om die verhoor by te woon ontvang het en dat daar geen goeie redes is vir die nie-bywoning daarvan.

HOOFSTUK 6

REGULERING EN BEHEER VAN MINIBUSTAXI-TIPE DIENSTE

Aansoek met betrekking tot 'n toestemming

34. (1) Behoudens artikel 35, mag niemand minibustaxi-tipe dienste of gemeterde taxidienste onderneem nie, tensy hy of sy die houer is van 'n toestemming wat ingevolge hierdie Wet uitgereik is of erken word, en hy of sy by die Registrateur geregistreer is.

(2) 'n Aansoek vir die toestaan, hernuwing of wysiging van 'n toestemming moet op die voorgeskrewe wyse en teen betaling van die voorgeskrewe gelde aan die Raad gedoen word.

(3) 'n persoon wat begerig is om oordrag van 'n toestemming te neem, moet op die voorgeskrewe wyse en met die skriftelike toestemming van die houer van die betrokke toestemming, by die Raad aansoek doen vir die oordrag van sodanige toestemming: Met dien verstande dat slegs toestemmings wat vir minstens ses maande voor sodanige aansoek in gebruik was, oorgedra mag word.

(4) Alle aansoeke in sub-artikel (1), (2) en (3) bedoel moet 'n gedetailleerde beskrywing insluit van –

(a) die roete of netwerk van roetes wat die aansoeker beoog om te bedryf;

(b) alle passasiers se oplaai- en aflaaipunte; en

(c) die staanplekke wat gebruik gaan word.

(5) (a) 'n Aansoeker moet op die aansoekvorm aandui of hy of sy aan 'n kriminele oortreding van enige aard deur regulasie voorgeskryf, skuldig bevind is en indien wel, moet sodanige misdryf gelys word en moet hy of sy ook verklaar of hy of of sy of haar gade, onmiddelike familielid, besigheidsvennoot of werkgewer, 'n gemagtigde beampte of 'n beampte in diens van die nasionale of 'n provinsiale regering of 'n munisipaliteit is.

(b) Vir die doeleindes van hierdie subartikel het die uitdrukkings "gade" en onmiddelike familielid" die betekenis daaraan toegewys in artikel 3(5)(b).

(6) In die geval van 'n aansoek vir 'n toestemming wat interprovinsiale taxidienste magtig, moet die Raad ook die aansoek na die raad of ander liggaam wat verantwoordelik is vir die uitreiking van magtigings vir minibustaxi-tipe dienste of gemeterde taxidienste in elke betrokke provinsie, vir hul aanbeveling verwys.

(7) Die Raad moet, indien geen antwoord, binne 21 dae vanaf die raad of ander liggaam van 'n ander provinsie soos beoog in subartikel (7) ontvang word nie, moet die Raad die aangeleentheid by die Vervoer Appel Tribunaal kragtens artikel 3 van die Wet op die Vervoer Tribunaal, 1998 (Wet Nr 39 van 1998) as 'n appèl indien: Met dien verstande dat die aansoeker vrygestel is van die betaling van enige gelde in verband met sodanige appèl.

(8) Waar daar in 'n ander provinsie aansoek gedoen word vir 'n toestemming wat interprovinsiale taxidienste, waar passasiers in die Provinsie op- of afgelaai sal word, magtig, en sodanige aansoek na die Raad verwys word vir sy aanbeveling, moet die Raad, nadat aanbevelings van alle relevante munisipaliteite, vervoerforums of taxirade, of, indien geen sulke forums of rade bestaan nie, van die relevante verenigings of gesamentlike roetebestuurskomitees, verkry is, sy aanbevelings rakende die aansoek aan die liggaam wat verantwoordelik is vir die uitreiking van toestemmings in die ander provinsie, verskaf.

Voortsetting en omsetting van bestaande toestemmings

35. (1) Behoudens subartikel (5), bly enige toestemming wat vir 'n onbepaalde tydperk uitgereik is of enige toestemming wat vir 'n bepaalde tydperk uitgereik is, en nog nie verval het by die inwerkingtreding van hierdie Wet, tydelik van krag soos bepaal in hierdie artikel.

(2) Die houer van sodanige toestemming mag dit omsit in 'n toestemming in ooreenstemming met hierdie hoofstuk, deur aansoek te doen vir die omsetting soos bepaal deur die LUR:

(a) in die geval van 'n toestemming vir 'n onbepaalde tydperk, voordat die tydperk wat die LUR by kennisgewing in die Provinsiale Koerant bepaal het,verval;

(b) in die geval van 'n toestemming vir 'n bepaalde tydperk, voordat die bepaalde tydperk verval of die tydperk bedoel in paragraaf (a), na gelang van wat eerste is.

(3) 'n Toestemming wat onder subartikel (1) genoem is verval-

(a) wanneer 'n aansoek om omsetting nie gedoen is nie soos bepaal onder subartikel (2) -

(i) in die geval van 'n toestemming vir 'n onbepaalde tydperk, by die verval van die tydperk genoem in paragraaf (*a*) van daardie subartikel;

(ii) in die geval van 'n toestemming vir 'n bepaalde tydperk, by die verval van die bepaalde tydperk of die tydperk genoem onder daardie paragraaf, na gelang van wat eerste is; of

(b) waar sodanige aansoek gemaak is, by die omsetting van die toestemming tot 'n gepaste toestemming in ooreenstemming met hierdie hoofstuk;

(4) Die LUR moet, by kennisgewing in die *Provinsiale Koerant*, 'n datum bepaal waarop alle toestemmings omgesit moet wees vir die doeleindes van hierdie artikel.

(5) Behoudens hierdie hoofstuk, mag die magtiging wat deur 'n toestemming verleen word nie hernieu, gewysig of oorgedra word nie behalwe as dit eers ooreenkomstig artikel 37 omgesit is.

Omsetting van toestemming wat onder sekere omstandighede nie toegelaat word nie

36. (1) 'n Toestemming mag nie na 'ntoestemming omgesit word nie behalwe as die vervoer diens wat dit bemagtig ononderbroke gelewer is vir 'n tydperk van minstens 180 dae voor die datum waarop aansoek gedoen is vir die omsetting.

(2) Tydens die oorweging van 'n aansoek vir die omsetting van 'n toestemming tot toestemming, mag die toestemmingsraad die applikant versoek om bewyse voor te lê, wat die raad tevrede sal stel, dat die aansoek voldoen aan die voorvereistes soos deur subartikel (1) bepaal.

Wyse waarop toestemmings omgesit word na toestemmings

37. (1) Behoudens hierdie artikel en in ooreenstemming met

artikel 47 in ander ander verbande moet toestemming wat pleks van 'n toestemming kragtens die omsetting beoog onder artikel 35 uitgereik is, dieselfde magtiging verleen as dit wat deur die toestemming verleen word.

(2) in die geval van die omsetting van 'n toestemming vir 'n Geskeduleerde diens—

(a) wat die bedryf van daardie diens binne 'n bepaalde gebied bemagtig, moet die toestemming waartoe daardie toestemming omgesit word die bedryf van daardie diens volgens een of meer roetes wat in detail gespesifiseer is magtig, en dit moet in 'n rooster vir die betrokke roete of elke een van die verskeie roetes (wat ook al die geval mag wees) uiteengesit word;

(b) waar die betrokke diens kragtens 'n tussentydse kontrak of 'n huidige getenderde kontrak gelewer word, moet die toestemming waarna daardie toestemming omgesit word, spesifiek vir daardie kontrak uitgereik word.

(3) In die geval van die omsetting van 'n toestemming vir 'n ongeskeduleerde diens—

(a) (wat nie 'n gemeterde taxi is nie) wat die bedryf van daardie betrokke diens binne 'n omskrewe gebied bemagtig, moet die toestemming waarna daardie toestemming omgesit word die bedryf van daardie diens volgens een of meer roetes magtig. Die roete of roetes moet in detail gespesifiseer word, behalwe in enige van die volgende omstandighede, naamlik—

(i) as die diens—

(aa) na of vanaf 'n plakkerskamp bedryf word waar daar nie omskrewe paaie is nie;

(bb) 'n toevoerdiens tussen 'n bepaalde gebied en 'n hoofterminaal of 'n uitruilingsfasiliteit is;

(cc) tydens spitsure bedryf word of as dit oor naweke gelewer word tussen 'n bepaalde gebied en 'n hoofbestemming of openbare passasiers soos 'n hospitaal of inkoopsentrum; of

(ii) enige ander omstandighede wat die toestemmingsraad redelik vind die nie-gedetaileerde spesifisering van die roete of roetes regverdig.

(b) wat bedryf binne 'n bepaalde radius magtig, die toestemming waarna daardie toestemming in omgesit word—

(i) moet die bedryf van daardie diens volgens een of meer roetes wat in detail gespesifiseer moet word matig, behoudens paragraaf (ii);

(ii) mag, waar enige omstandighede genoem onder subartikel (i) of (ii) of paragraaf (a) bestaan, die operasie van die vervoerdiens in 'n bepaalde gebied wat in detail omskryf word, magtig.

(4) In die geval van die omsetting van 'n toestemming vir 'n

gemeterde taxidiens, moet die toestemming waarna daardie toestemming in omgesit word die betrokke gebied omskryf waarbinne passasiers opgetel mag word in die operasie van daardie diens.

(5) In die geval van die omsetting van 'n toestemming vir 'n Langafstand diens, moet die toestemming waarna die toestemming in omgesit word die roete of roetes, die staanplekke of terminale vir die optel en aflaai van passasiers en enige ander punte langs die roete of roetes waar passasiers opgelaai of afgelaai mag word spesifiseer.

(6) Behalwe waar dit duidelik ontoepaslik is, moet die toestemming waarna 'n toestemming kragtens hierdie artikel in omgesit is, vir alle doeleindes geag en behandel word as 'n toestemming wat ingevolge hierdie hoofstuk uitgereik is.

(7) 'n Toestemming vir openbare vervoer binne 'n radius of gebied moet, waar van toepassing, omgesit word in 'n toestemming vir openbare vervoer op 'n bepaalde, gespesifiseerde roete of roetes of, waar toepaslik, binne 'n bepaalde, gespesifiseerde gebied.

(8) Behalwe waar die toestemming wat omgesit moet word alreeds openbare vervoer op 'n bepaalde roete of roetes magtig, moet die toestemmingsraad elke beplanningsowerheid, waarbinne die diens bedryf word versoek word, om enige vertoeë of voorstelle voor te lê wat dit nodig ag met betrekking tot die roete of roetes, of, waar van toepassing, moet die gebied gespesifiseer word in die toestemming waarna daardie toestemming omgesit word.

(9) Toestemming vir ongeskeduleerde dienste wat bedryf word met voertuie met 'n sitruimte van minder as nege persone, insluitend die bestuurder, mag omgesit word in 'n toestemming vir minibustaxi dienste wat bedryf word met voertuie met 'n sitruimte van 9 tot 16 persone, insluitend die bestuurder, op die grondslag van een toestemming vir die oorgawe van twee toestemmings: Met dien verstande dat die toestemming vir 'n vasgestelde tydperk van hoogstens vyf jaar moet wees; of

(10) 'n Toestemming wat ingevolge hierdie artikel omgesit is in 'n toestemming, mag nie uitgereik word aan 'n persoon as die aangewesene van 'n ander persoon nie.

(11) Maar, geen vergoeding is betaalbaar aan 'n houer van 'n toestemming waar, as gevolg van 'n omsetting kragtens hierdie artikel, die magtiging wat deur die toestemming verleen word minder is as dit wat deur die toestemming verleen word nie en wat gevolglik gelei het tot 'n afname in die operateur se gemagtigde vervoerbedrywe.

Vrystellings

38 Vir die doeleindes van hierdie Wet, word die vervoer van persone in die omskrywing van "openbare vervoerdiens" beoog, geag die volgende nie in te sluit nie, naamlik—

(a) die vervoer deur 'n individuele boer wat in die Republiek woonagtig is (met inbegrip van 'n regspersoon of vennootskap wat 'n boerdery beoefen) van sodanige boer se plaasarbeiders deur middel van 'n motorvoertuig wat wetlik gemagtig is om passasiers te vervoer en waarvan hy of sy die enigste eienaar is—

(i) vanaf 'n plek waar hulle gewerf is na 'n plek waar hulle ingestem het om na vervoer te word en waar hulle vir boerderybedrywighede benodig word;

(ii) vanaf 'n plek waar hulle in verband met sy of haar boerderybedrywighede werksaam is of wat na 'n ander plek waar hulle benodig mag word vir boerdery bedrywighede of waar 'n ander boer hulle mag benodig vir sy of haar boerdery bedrywighede, of na die plek waar hulle gewerf is;

(iii) tussen 'n plek waar hulle aldus werksaam was of in die werk gestel staan te word, en die gerieflikste plek vir hulle vervoer na 'n ander plek waarheen hulle deur middel van openbare vervoer, vervoer staan te word, of na die plek waar hulle aldus in die werk gestel staan te word;

(iv) tussen 'n plek waar hulle aldus werksaam is en enige ander plek binne die Republiek om inkopies te doen of 'n kerkdiens of begrafnis by te woon, of vir die doeleindes van 'n sport- of ontspanningsbyeenkoms; of

(v) tussen 'n plek waar hulle gewerf is en die gerieflikste plek vir hulle vervoer na 'n ander plek waarheen hulle deur middel van openbare vervoer, vervoer staan te word,

en by die toepassing van hierdie paragraaf word arbeiders wat in diens van 'n koöperatiewe vereniging is wat kragtens die wet op koöperatiewe verenigings geregistreer is en waarvan so 'n boer 'n lid is, of gevangenes soos in artikel 1 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), omskryf, wat by so 'n boer in verband met sy of haar boerdery werksaam is, of was, of in die werk gestel staan te word, geag so 'n boer se plaasarbeiders te wees;

(b) die vervoer deur 'n munisipaliteit, deur middel van 'n motorvoertuig wat werklik gemagtig is om passasiers te vervoer, en waarvan so 'n munisipaliteit die eienaar is, van sy eie werknemers vanaf 'n plek waar werk in die loop van sy besigheid uitgevoer word, na 'n ander plek waar hulle sodanige werk gaan uitvoer;

(c) die vervoer, deur middel van 'n ambulans soos in die Padverkeerswet, 1989, omskryf, van 'n pasiënt en 'n persoon wat sodanige pasiënt verpleeg, na 'n

plek waar hy of sy geneeskundige behandeling deur 'n persoon wat ingevolge 'n wet op die geneeskundige beroep gemagtig is om sodanige behandeling toe te dien, gaan ontvang, of van 'n plek waar hy of sy sodanige behandeling ontvang het;

(d) die vervoer deur middel van 'n motorvoertuig, van persone wat met 'n motorvoertuig vervoer was wat onklaar geraak het, na hul eindbestemming, mits, indien die vervoer van vermelde persone deur middel van daardie ander motorvoertuig toe dit defektief geraak het, 'n openbare vervoerdiens uitgemaak het, daardie vervoer deur 'n toestemming gemagtig was, en hul vervoer deur middel van die eersgenoemde motorvoertuig onderneem word ooreenkomstig die bepalings van daardie toestemming, en daardie toestemming op eersgenoemde motorvoertuig saamgeneem word om op aanvraag aan 'n gemagtigde beampte getoon te word;

(e) die vervoer van persone soos beoog in die omskrywing van "saamryklub" in artikel 1 van die Padongelukfondswet, 1996 (Wet No. 56 van 1996);

(f) die vervoer, deur 'n persoon wat 'n nywerheid bedryf of handel of besigheid bedryf, van sy of haar werknemers vanaf 'n plek waar hulle in die loop van daardie nywerheid, handel of besigheid werk verrig, na 'n ander plek waar hul aldus werk moet verrig, deur middel van 'n motorvoertuig waarvan hy of sy die eienaar is;

(g) die vervoer, deur 'n werknemer van die nasionale of 'n provinsiale regering of 'n staatsondersteunde liggaam of 'n maatskappy waarvan die nasionale of 'n provinsiale regering die enigste lid en aandeelhouer is, of 'n munisipaliteit in verband met die verrigting van sy of haar pligte, deur middel van 'n motorvoertuig waarvan sodanige werknemer die eienaar is en wat deur hom of haar tydens die verrigting van daardie pligte gebruik word, van enigiemand ten opsigte van wie se vervoer daardie werknemer geregtig is om van die nasionale of provinsiale regering of sodanige staatsondersteunde liggaam of maatskappy of munisipaliteit vergoeding te ontvang;

(h) die vervoer van leerlinge en onderwysers vir die doeleindes van sport of ontspanning of op vakansie, besienswaardigheids- of opvoedingstoere, deur middel van 'n motorvoertuig waarvan die betrokke skool die alleeneienaar is of wat, ingevolge 'n ooreenkoms, opsy gesit is vir die gebruik deur die skool, vir sodanige doeleindes;

(i) die vervoer op skooldae van leerlinge en onderwysers na en vanaf die skool wat hulle bywoon, deur middel van 'n motorvoertuig waarvan die skool die enigste eienaar is of wat, ingevolge 'n ooreenkoms opsy gesit is vir die gebruik deur die skool vir daardie doel: Met dien verstande dat die LUR hierdie vrystelling deur kennisgewing in die *Provinsiale Koerant* kan herroep;

(j) die vervoer deur 'n universiteit, technikon, tegniese kollege of onderwyskollege (hierna 'n opvoedkundige inrigting genoem), van sy eie studente en personeel vir opvoedkundige, kulturele- of sportdoeleindes, deur middel van 'n motorvoertuig waarvan sodanige opvoedkundige inrigting die

eienaar is of deur middel van 'n motorvoertuig wat ingevolge 'n ooreenkoms opsy gesit is vir gebruik deur sodanige opvoedkundige inrigting vir hierdie doel: Met dien verstande dat daar in die geval van sodanige vervoer deur middel van motorvoertuig wat ingevolge die bepalings van 'n ooreenkoms gebruik word, 'n dokument in die voertuig gedra moet word waarin 'n gemagtigde beampte van die opvoedkundige inrigting bevestig dat die passasiers ingeskrewe studente van of personeellede verbonde aan die opvoedkundige inrigting is;

(k) die vervoer teen vergoeding deur 'n persoon wat gedagvaar is om by 'n plek as getuie in 'n strafsaak te verskyn, van iemand anders wat gedagvaar is om as 'n getuie in daardie saak of in enige ander strafsaak te verskyn, hetsy op dieselfde plek en op dieselfde dag, of op 'n ander plek of op 'n ander dag, na of van die plek waar die persoon wat vervoer word gedagvaar is om te verskyn, deur middel van 'n motorvoertuig waarvan eersgenoemde persoon die eienaar is;

(l) die vervoer teen vergoeding, deur 'n persoon wat gedagvaar is om by 'n plek op 'n dag te verskyn, om voor 'n kommissie getuienis af te lê met betrekking waartoe die bepalings van die Kommissiewet, 1947 (Wet No. 8 van 1947) of die Ordonnansie op Kommissies, 1954 (Ordonnansie No. 5 van 1954), van toepassing verklaar is, of voor 'n liggaam ingestel ingevolge 'n wet waarkragtens sodanige liggaam gemagtig is om persone te dagvaar om voor hom te verskyn, ten einde getuienis of te lê, na of van die plek waar sodanige persoon gedagvaar is om te verskyn, van enigiemand anders wat gedagvaar is om op dieselfde dag en op dieselfde plek voor sodanige kommissie of liggaam te verskyn om getuienis of te le, deur middel van 'n motorvoertuig waarvan die eersgenoemde persoon die eienaar is;

(m) die vervoer van 'n persoon wat noodwendig vervoer moet word in verband met die vervoer van persone, wat ingevolge 'n vorige paragraaf nie openbare vervoer uitmaak nie; of

(n) die vervoer van persone deur 'n hoflikheidsdiens.

Afhandeling van aansoek in verband met 'n toestemming

39. (1) Behoudens die bepalings van hierdie Wet, moet die Raad 'n aansoek vir die toestaan, hernuwing, wysiging of oordrag van 'n toestemming wat daarkragtens by hom gedoen word, ontvang en oorweeg, en kan daarna, volgens sy diskresie, die aansoek tenvolle of gedeeltelik toestaan, behoudens die voorwaardes wat hy nodig ag, of die aansoek weier.

(2) (a) Alvorens die Raad 'n aansoek kragtens subartikel (1) oorweeg, moet die Raad die aansoek na die betrokke munisipaliteit verwys vir sy aanbeveling.

(b) 'n Munisipaliteit na wie 'n aansoek verwys word, moet die relevante plaaslike vervoerforums, of, indien geen relevante

plaaslike vervoerforums bestaan nie, die relevante geregistreerde primêre verenigings en gesamentlike roetebestuurskomitees, raadpleeg alvorens 'n aanbeveling aan die Raad gemaak word.

(c) Indien 'n munisipaliteit versuim om sy aanbeveling aan die Raad te stuur binne 'n tydperk van 30 dae na ontvangs van die aansoek of binne sodanige verdere tydperk as wat die Raad op versoek mag toelaat, kan die aansoek sonder sodanige aanbeveling hanteer en afgehandel word.

(3) Die Raad moet met die Registrateur oorleg pleeg om vas te stel of die inligting wat deur die aansoeker verskaf is ooreenstem met die inligting, indien enige, wat deur die Registrateur gehou word.

(4) Die Raad mag nie 'n toestemming op 'n radius-basis uitreik nie, en gebiedstoestemmings mag slegs uitgereik word in die geval van—

(a) minibustaxi-tipe dienste of gemeterde taxidienste wat gelewer gaan word in 'n gebied waar daar geen afgebakende paaie is nie;

(b) toevoerdienste tussen 'n beperkte gebied en 'n hoofeiendpunt of wisselingsfasilitiet;

(c) nie-spits-, of naweek dienste tussen 'n beperkte gebied en 'n gebied wat 'n groot aantrekkingskrag is vir passasiers, soos 'n hospitaal of 'n winkelsentrum.

(5) Behalwe in die gevalle bedoel in subartikel (4)(a), (b) en (c), mag die Raad nie die oordrag van 'n toestemming toestaan wat die vervoer binne 'n gebied of binne 'n radius vanaf 'n gespesifiseerde punt magtig nie, tensy die magtiging omskep word in 'n roete- of netwerk gebaseerde magtiging.

(6) 'n Aparte toestemming moet vir elke motorvoertuig uitgereik word.

(7) (a) Geen oordrag van 'n motorvoertuig ingevolge 'n toestemming, word binne ses maande vanaf die uitreiking van die toestemming toegelaat nie, teensy die houer goeie gronde aanvoer waarom so 'n oordrag toegelaat moet word.

(b) Vir die doeleindes van hierdie subartikel sluit "goeie gronde" in, maar is nie beperk daartoe nie, die feit dat die motorvoertuig gesteel of vernietig is.

(8) Die Raad kan weier om 'n aansoek deur iemand gedoen vir die toestaan, wysiging of oordrag van 'n toestemming, te oorweeg indien 'n vorige aansoek deur daardie persoon, wat na die mening van die Raad dieselfde of grootliks dieselfde oogmerk as eesgenoemde aansoek gehad het, binne 'n tydperk van ses maande wat die datum voorafgaan waarop eersgenoemde aansoek in die kantoor van die Raad ontvang word, deur die Raad oorweeg en geweier is.

(9) Die Raad moet weier om 'n aansoek vir die toestaan, hernuwing, wysiging of oordrag van 'n toestemming te oorweeg indien al die volgende liggame teen die aansoek gekant is:

(a) die betrokke munisipaliteite;

(b) die betrokke vervoerforums;

(c) die relevante verenigings; en

(d) die betrokke gesamentlike roetebestuurskomitees.

(10) Die Raad moet, gebaseer op aanbevelings van die betrokke munisipaliteite, die staanplekke en ander fasiliteite wat deur 'n aansoeker gebruik mag word, bepaal en in die toestemming stipuleer.

(11) Geen toestemming mag toegestaan word nie, tensy die aansoeker 'n lid is van 'n vereniging wat deur die Registrateur ingevolge artikel 18 geregistreer is, en die aansoek skriftelik deur die vereniging ondersteun word, of die Registrateur skriftelik sertifiseer dat die aansoeker as 'n geregistreerde nie-lid onder daardie artikel kwalifiseer en as sulks aansoek gedoen het vir registrasie.

(12) Die Raad mag nie 'n toestemming aan 'n persoon toestaan wat aan 'n voorgeskrewe oortreding skuldig bevind is nie.

(13) 'n Toestemming vir 'n gemeterde taxidiens kan—

(a) voorsiening maak dat die motorvoertuig sy omskrewe gebied kan verlaat indien dit op die terugwaartse rit dieselfde passasiers vervoer as op die uitwaartse rit, of indien die motorvoertuig leeg terugkom;

(b) die houer toelaat om 'n rit te onderneem teen 'n fooi wat nie deur die meter in die motorvoertuig bepaal word nie indien daar op die fooi vir elke rit besluit is voor die aanvang van sodanige rit.

Vervanging van motorvoertuie

40. (1) 'n Aansoek om 'n toestemming te wysig om 'n motorvoertuig in die toestemming aangedui deur 'n ander motorvoertuig met dieselfde sitplekruimte te vervang kan, behoudens artikel 47, deur 'n beampte van die Raad wat vir hierdie doel deur die voorsitter aangewys is, toegestaan word, sonder om die ander voorwaardes of besonderhede van die toestemming te wysig.

(2) Sub-artikel (1) is nie van toepassing op aansoeke om toestemmings te wysig om motorvoertuie van verskillende sitplekruimtes te vervang

nie, welke aansoeke slegs toegestaan kan word indien die betrokke sitplekruimtes geregverdig is ooreenkomstig die betrokke goedgekeurde passasiersvervoerplanne of die voorgeskrewe vereistes.

Publikasie van aansoek en vertoë met betrekking tot 'n toestemming

41. (1) Wanneer die Raad 'n aansoek, uitgesluit 'n aansoek bedoel in artikel 40(1), ontvang –

(a) moet dit, in die geval van 'n aansoek vir die toestaan of wysiging van 'n toestemming (anders as 'n wysiging in paragraaf (b) bedoel;

(b) kan dit, in die geval van 'n aansoek vir die wysiging van 'n toestemming ten einde die permanente vervanging van 'n motorvoertuig in die toestemming gespesifiseer, deur 'n motorvoertuig waarvan die sitplekruimte dieselfde of kleiner is, of dié van die eersgenoemde motorvoertuig met nie meer as 20 persent oorskry nie, te magtig, of in die geval van die oordrag van 'n toestemming,

die voorgeskrewe besonderhede van die aansoek in die *Provinsiale Koerant* en in minstens een nuusblad wat in elke gebied waar passasiers op- of afgelaai word, in omloop is, publiseer, en, op die voorgeskrewe wyse, 'n kennisgewing van sodanige aansoek op die kennisgewingbord by die kantore van die Raad aanbring.

(2) Die LUR kan die wyse waarop,en die tydperk waarbinne, belanghebbende partye besware teen of vertoë aangaande aansoeke wat kragtens subartikel (1) gepubliseer is, kan in dien by die Raad, voorskryf.

(3) Die bepalings van hierdie artikel is nie van toepassing op 'n aansoek vir die toestaan van 'n toestemming wat ooreenkomstig die voorgeskrewe proses gedoen is nie.

Aangeleenthede wat in aanmerking geneem moet word by die afhandeling van 'n aansoek ten opsigte van 'n toestemming

42. (1) Benewens die ander bepalings van hierdie Wet, moet die Raad die volgende faktore in ag neem wanneer daar oorweeg word of 'n aansoek toegestaan of geweier moet word, en by die bepaling van die voorwaardes (indien enige) waaraan 'n toestemminge onderhewig sal wees:

(a) die bepalings van toepaslike passasiersvervoerplanne;

(b) die aanbevelings van relevante munisipaliteite, vervoerforums,geregistreerde verenigings en gesamentlike roetebestuurskomitees;

(c) enige besware teen of vertoë aangaande die aansoek wat ontvang is;

(d) die mate waarin die vervoer noodsaaklik of wenslik is in die openbare belang;

(e) die behoeftes van die publiek aan vervoer op die roete(s) of tussen die punte waar of in die gebied waarbinne die aansoeker van voorneme is om vervoer te onderneem;

(f) die bestaande vervoergeriewe beskikbaar vir die publiek langs die roete(s) of tussen die punte of in die gebied;

(g) die koördinering van alle soorte vervoer en vervoermodusse op 'n ekonomies-gesonde basis en met behoorlike inagneming van die openbare belang;

(h) die vermoë van die aansoeker om die dienste te verskaf;

(i) alle relevante vorige skuldigbevindings van die aansoeker aan misdrywe;

(j) die bestaan van 'n verordening, regulasie, verbod, inkorting of beperking met betrekking tot die voorgestelde vervoer;

(k) enige ander faktor wat, na die mening van die Raad relevant kan wees tot die vraag of die aansoek toegestaan moet word, of watter voorwaardes aan die toestemming geheg moet word.

(2) Die woord "vermoë" in subartikel (1) sluit in, maar word nie beperk tot die finansiële vermoë van die aansoeker om die voorgestelde dienste op 'n volgehoue manier te verskaf nie.

Interprovinsiale taxidienste

43. (1) Waar 'n persoon interprovinsiale taxidienste wil onderneem, moet hy of sy by die Raad aansoek doen vir 'n toestemming indien die motorvoertuig waarmee die dienste gelewer gaan word, in die Provinsie geregistreer is of geregistreer gaan word.

(2) Die Raad mag nie 'n aansoek om 'n toestemming wat magtiging verleen vir interprovinsiale taxidienste of vir die hernuwing of oordrag van sodanige toestemming, of vir 'n wysiging van die toestemming wat openbare vervoerdienste in 'n ander provinsie affekteer nie, toestaan nie, behalwe met die instemming van die raad of ander

liggaam wat verantwoordelik is vir die uitreiking van toestemmings in die ander provinsie.

(3) Waar die Raad nie die nodige instemming van sodanige raad of ander liggaam binne die voorgeskrewe tydperk kan verkry nie, moet die Raad die aangeleentheid in ooreenstemming met die Wet op die Vervoerappèltribunaal, 1998, as 'n appèl na die Vervoerappèltribunaal verwys.

(4) Appèlle met betrekking tot interprovinsiale in ooreenstemming met die taxidienste moet Wet op die Vervoerappèltribunaal, 1998, aan die Vervoerappèltribunaal gerig word.

(5) In die geval van interprovinsiale taxidienste, mag passasiers nie op of afgelaai word nie, behalwe by die begin- of eindpunte: Met dien verstande dat indien daar geen alternatiewe diens tussen die begin- of eindpunt en die optel- of aflaaipunt is nie, of indien die geregistreerde primêre verenigings wat die roete(s) bedryf daartoe instem, passasiers wel aldus op- of afgelaai mag word.

Internasionale taxidienste

44. 'n Aansoek om 'n toestemming wat 'n internasionale taxidiens magtig, moet ingevolge die Wet op Oorgrenspadvervoer, 1998 (Wet No 4 van 1998), aan die Reëlingskomitee gerig word, en enige appèlle in verband daarmee moet ingevolge daardie wet hanteer word.

Toeriste dienste

45 (1) Die LUR kan regulasies maak wat voorsiening maak vir spesiale vereistes in verband met aansoeke vir toestemmings rakende toeristedienste of motorvoertuie of bestuurders wat in sodanige dienste gebruik word, bo en behalwe of in plaas van dié waarvoor daar in hierdie Wet voorsiening voor gemaak word.

(2) Die regulasies in sub-artikel (1) bedoel, kan vereis dat aanbevelings van die Noordelike Provinsie Toerismebemarkingsraad verkry moet word alvorens toestemmings wat toeriste dienste magtig, oorweeg word.

Geldigheidsduur van 'n toestemming

46. (1) die geldigheidsduur van 'n toestemming ingevolge hierdie Wet uitgereik, is soos voorgeskryf.

(2) Wanneer 'n bestaande vaste termyn toestemming verval en 'n aansoek vir die hernuwing daarvan by die Raad hangend is, bly sodanige toestemming geldig totdat die aansoek afgehandel is.

Uitreiking van toestemming en bepalings daarvan

47. (1) Behoudens subartikel (2), moet die Raad 'n toestemming wat ingevolge hierdie Wet deur hom toegestaan, hernu, gewysig of oorgedra is, op die voorgeskrewe wyse uitreik.

(2) Die Raad mag nie 'n toestemming uitreik nie, tensy-

(a) hy oortuig is dat elke motorvoertuig waarop die toestemming betrekking het, geskik is vir die soort vervoer waarvoor dit gebruik gaan word;

(b) daar ten opsigte van elke sodanige motorvoertuig 'n gesertifiseerde afskrif van 'n geldige padwaardigheidsertifikaat wat op of na 'n datum by regulasie bepaal kragtens die wet wat op die lisensiëring en registrasie van motorvoertuie in die Provinsie betrekking het, uitgereik is, aan hom voorgelê is; en

(c) die aansoeker by die Registrateur geregistreer is, of aansoek gedoen het om registrasie.

(3) Indien, gedurende die geldigheidsduur van 'n toestemming, die padwaardigheidsertifikaat van 'n motorvoertuig waarop die toestemming betrekking het, vir enige rede ongeldig word, moet sodanige toestemming opgeskort word en moet die houer daarvan die toestemming en enige toestemmingskyf binne 14 dae vanaf die datum waarop die betrokke padwaardigheisertifikaat ongeldig word, by die Raad vir veilige bewaring indien.

(4) 'n Toestemming ingevolge hierdie artikel uitgereik, moet die volgende vermeld, naamlik-

(a) die naam en adres van die houer;

(b) die getal passasiers wat ingevolge die betrokke padwaardigheidsertifikaat in die betrokke motorvoertuig vervoer mag word: Met dien verstande dat die maksimum getal passasiers wat deur die Raad goedgekeur is, nie oorskry mag word nie;

(c) die registrasienommer, fabrikaat, voertuigidentifiseringnommer, jaar van vervaardiging, soort, sitplek- of passassiersruimte van die motorvoertuig ten opsigte waarvan dit uitgereik word;

(d) die roete of netwerk van roetes waarop, of die gebied of gebiede waarbinne,die betrokke dienste onderneem mag word, sowel as die begin- en eindpunte, alle punte waar passasiers op-

of afgelaai mag word en staanplekke en ander geriewe wat gebruik mag word;

(e) enige ander voorwaardes wat die Raad na goeddunke mag oplê.

(6) Die Raad moet saam met elke toestemming wat hy uitreik of omskep, 'n toestemmingskyf en onderskeidende teken of tekens in die vorm en op die wyse voorgeskryf, of in die afwesigheid van sodanige regulasies, in die vorm en op die wyse deur die Raad bepaal, uitreik.

Rekord van toestemmings

48. Die Raad moet –

(a) by sy besigheidsplek 'n afskrif hou van elke toestemming wat ingevolge hierdie Wet deur hom uitgereik is en van elke wysiging wat aan so 'n toestemming aangebring is;

(b) die voorgeskrewe besonderhede rakende gemelde toestemmings, die toestemminghouer en die motorvoertuig betrokke op 'n databasis soos voorgeskryf, invoer;

(c) enigiemand wat op die een of ander wyse deur so 'n toestemming of wysiging geraak word, toelaat om dit kosteloos te bestudeer, of op versoek van so 'n persoon, 'n afskrif van die betrokke toestemming en elke wysiging daarvan aan hom of haar verskaf teen betaling van die voorgeskrewe gelde.

Tydelike vervanging van motorvoertuig waarop 'n toestemming betrekking het

49. (1) Waar 'n motorvoertuig waarop 'n toestemming betrekking het, onklaar raak of weens 'n ongeluk tydelik aan diens onttrek is, kan die Raad of 'n lid daarvan deur die voorsitter van die Raad vir die doel aangewys, behoudens sub-artikels (2) en (3), na goeddunke skriftelike vergunning verleen dat 'n ander motorvoertuig in eersgenoemde motorvoertuig se plek gebruik word deur die houer van die betrokke toestemming vir die openbare vervoerdiens deur daardie toestemming gemagtig.

(2) Die sitplekruimte van die vervangingsmotorvoertuig moet gelyk wees aan, of kleiner wees as, of mag nie dié van die motorvoertuig waarop die oorspronklike toestemming betrekking het, met meer as 20 persent oorskry nie.

(3) Die vervangingsmotorvoertuig kan vir sodanige tydperk as wat die Raad of betrokke lid bepaal, gebruik word, welke tydperk nie 42 dae mag oorskry nie.

(4) Die vervangingsmotorvoertuig word gedurende die tydperk in subartikel (3) bedoel, by die toepassing van hierdie Wet geag die

motorvoertuig te wees waarop die betrokke toestemming betrekking het.

Bykomende magtiging deur 'n toestemming verleen

50. 'n Toestemming magtig, bykomend tot die vervoer wat uitdruklik daardeur gemagtig word, ook die vervoer van enige persoon wat in verband met daardie uitdruklik gemagtigde vervoer nodig is.

Pligte van die houer van'n toestemming

51. (1) Die houer van 'n toestemming moet –

(a) die diens wat deur die toestemming gemagtig word ooreenkomstig die toepaslike passasiersvervoerplan en die voorwaardes van die toestemming, bedryf;

(b) die toestemming of die skriftelike vergunning in artikel 49 bedoel, en sy of haar registrasiesertifkaat kragtens artikel 29 uitgereik, in die motorvoertuig waarop die toestemming betrekking het, hou en dit op aanvraag aan 'n gemagtigde beampte toon;

(c) die toestemming, toestemmingskyf en enige onderskeidende teken in verband daarmee in so 'n toestand hou dat die syfers en letters daarop duidelik leesbaar is en, indien die toestemming, toestemmingskyf of onderskeidende teken beskadig word of nie meer duidelik leesbaar is nie, aansoek vir 'n afskrif doen op die voorgeskrewe wyse;

(d) die naam, adres en aard van besigheid van die houer op die voorgeskrewe wyse, of op 'n ander wyse wat die Raad in 'n spesifieke geval skriftelik goedkeur, op 'n opvallende plek op motorvoertuig wat ingevolge die toestemming betrekking het, aanbring;

(e) die ander besonderhede wat die Raad bepaal ,of soos voorgeskryf, vertoon;

(f) op die voorgeskrewe wyse, enige toestemmingskyf en onderskeidende teken ingevolge hierdie Wet uitgereik op die motorvoertuig wat ingevolge die toestemming gebruik word, aanbring en dit so aangebring hou;

(g) betyds vir die hernuwing van die toestemming aansoek doen;

(h) verseker dat al die inligting wat in die toestemming vervat is op datum gehou word deur toepaslike aansoeke vir wysigings te doen;

(i) binne een kalendermaand nadat die jaarlikse padwaardigheidsertifikaat verval het, 'n gesertifiseerde afskrif van 'n nuwe padwaardigheidsertifikaat vir die motorvoertuig waarop die toestemming betrekking het, by die Raad indien;

(j) 'n toestemming met betrekking tot 'n motorvoertuig wat deur die houer van die hand gesit is, aan die Raad vir kansellasie terugbesorg.

(2) 'n Toestemming kragtens hierdie Wet uitgereik –

(a) magtig nie die houer daarvan om 'n openbare vervoerdiens binne die regsgebied van 'n munisipaliteit te onderneem nie, indien sodanige vervoer ingevolge enige ander wet van toepassing in daardie gebied, onwettig is nie;

(b) onthef nie die houer daarvan van die verpligting om aan 'n vereiste wat kragtens enige ander wet, of kragtens 'n lisensie of toestemming wat deur 'n ander owerheid uitgereik is, aan hom of haar opgelê is, te voldoen nie.

Intrekking, opskorting of wysiging van 'n toestemming

52. (1) Behoudens die bepalings van subartikel (4), kan die Raad te eniger tyd 'n toestemming wat deur hom toegestaan is, intrek, wysig of vir sodanige tydperk wat hy goeddunk, opskort –

(a) indien die houer van sodanige toestemming,of 'n werknemer van die houer, aan 'n misdryf kragtens hierdie Wet of kragtens 'n wet wat betrekking het op motorvoertuie of die regulering van verkeer of beroepsveiligheid of arbeidsverhoudinge, of aan 'n voorgeskrewe misdryf skuldig bevind is; of

(b) indien die houer na die mening van die Raad nie die voorwaardes of vereistes van die toestemming getrou nagekom het nie; of

(c) indien die houer nie binne ses maande na die uitreiking van die toestemming, die diens wat deur die toestemming gemagtig word, of enige gedeelte daarvan, begin het nie, tensy die houer aan die Raad kan bewys dat daar goeie redes daarvoor bestaan welke redes kan insluit, maar nie beperk is nie tot die volgende –

(i) siekte of onbevoegdheid van die houer;

(ii) die feit dat die motorvoertuig weens 'n ongeluk, tydelik buite werking is;

(iii) reëlings wat getref word vir die oorplasing van die toestemming as gevolg van die dood van die houer;

(iv) finansiële teenspoed weens omstandighede buite die beheer van die houer; of

(v) die feit dat die houer weens 'n konflik situasie verhinder word om die diens te bedryf; of

(d) indien die houer opgehou het om die diens of enige gedeelte daarvan vir 180 agtereenvolgende dae, te bedryf; of

(e) indien die houer versuim het om 'n gesertifiseerde afskrif van 'n nuwe jaarlikse padwaardigheidsertifikaat vir die motorvoertuig waarop die toestemming betrekking het, binne een kalendermaand na die verval van sodanige sertifikaat, by die Raad in te dien; of

(f) indien die houer die motorvoertuig waarop die toestemming betrekking het, van die hand gesit het.

(2) Waar die houer van 'n toestemming nie meer by die Registrateur geregistreer is nie, óf as 'n lid van 'n gederegistreerde primêre vereniging óf persoonlik, moet die Raad alle toestemmings wat deur sodanige houer gehou word, intrek.

(3) waar 'n vereniging een van sy lede geskors het, moet die Registrateur, die verslag van die betrokke dissiplinêre komitee by die Raad indien, waarop die raad alle toestemmings wat deur daardie lid gehou word, vir die duur van skorsing van die lid, moet opskort.

(4) Die Raad mag nie kragtens subartikel (1), (2) of (3) 'n toestemming intrek of opskort nie, tensy –

(a) minstens 21 dae skriftelike kennisgewing van sy voorneme om dit te doen, tesame met die redes daarvoor, by wyse van geregistreerde pos aan die houer gegee is; en

(b) die houer geleentheid gegee is om óf persoonlik òf deur middel van sy of haar behoorlik gemagtigde verteenwoordiger, voor die Raad te verskyn om getuienis aan te voer of vertoë te rig in verband met die voorgenome optrede.

(5) By 'n tweede of daaropvolgende skuldigbevinding van 'n persoon aan 'n misdryf waarby die onderneem van ongemagtigde dienste betrokke is, kan die Raad –

(a) deur skriftelike kennisgewing per geregistreerde pos gestuur, enige toestemming wat deur daardie persoon gehou word intrek of vir sodanige tydperk wat hy goeddunk, opskort; en

(b) gedurende die tydperk wat hy goeddunk, en ongeag of 'n toestemming deur daardie persoon gehou kragtens paragraaf (a) ingetrek is of nie, weier om 'n aansoek vir die toestaan of oordrag van 'n toestemming aan hom of haar of aan 'n regspersoon of vennootskap waarvan hy of sy 'n direkteur, lid of vennoot is, of die hernuwing van 'n toestemming wat deur hom of haar of sodanige regspersoon of vennootskap gehou word, te oorweeg.

(6) Vir die doeleindes van subartikel (5) sal die skuldigbevinding van 'n maatskappy van 'n oortreding bedoel in daardie subartikel, ook bedoel die skuldigbevinding van elke persoon wat 'n direkteur was van die betrokke maatskappy tydens die begaan van die betrokke oortreding.

Intrekking van 'n toestemming ingevolge 'n passasiersvervoerplan

53. (1) Indien dit ingevolge 'n passasiersvervoerplan blyk dat –

(a) daar 'n ooraanbod van minibus taxi-tipe dienste of gemeterde taxidienste op 'n roete of netwerk van roetes bestaan as gevolg van die heruitreiking van toestemmings soos in artikel 40 beoog; of

(b) daar 'n wesenlike verandering aan 'n roete of netwerk van roetes of die manier waarop minibus taxi-tipe dienste of gemeterde taxidienste verskaf word, plaasgevind het, wat 'n ooraanbod van sodanige dienste tot gevolg het,

moet die beplanningsowerheid poog om die betrokke toestemminghouers alternatiewe dienste of dienste met 'n soortgelyke inkomste genereringsvermoë, wat nie onredelik deur die houers geweier kan word nie, aan te bied.

(2) (a) Indien alternatiewe dienste in subartikel (1) beoog, nie beskikibaar is nie, kan die Raad met die proses begin om surplustoestemmings in te trek.

(c) Ten einde gevolg te gee aan die proses bedoel in paragraaf (a), moet die Raad die houers van toestemmings op 'n roete of netwerk van roetes beoog in sub-artikel (1), uitnooi om op of voor 'n gespesifiseerde datum skriftelik aan te dui vir welke bedrag vergoeding hulle bereid sal wees om hul toestemmings oor te gee.

(3) Na oorweging van die bedrae wat deur die houers ingedien is (indien enige), kan die beplanningsowerheid die bedrae geëis betaal en kan die Raad die betrokke toestemmings intrek.

(4) Indien, nadat die proses in subartikels (2) en (3) bedoel voltooi is, daar steeds surplustoestemmings op die betrokke roete of die netwerk van roetes bestaan, moet die Raad, indien hy begerig is om hierdie toestemmings in te trek, voortgaan om hierdie toestemmings op 'n "laaste-in eerste-uit" basis in te trek en die beplanningsowerheid moet aan houers billike vergoeding, wat bereken word ooreenkomstig die riglyne wat deur die LUR bepaal is, betaal.

(5) Alle optredes wat deur die Raad ingevolge hierdie artikel geneem word, moet met die instemming van die betrokke beplanningsowerheid plaasvind.

Beslaglegging op motorvoertuie

54. (1) 'n Gemagtigde beampte wat redelikerwys oortuig is dat 'n motorvoertuig vir ongemagtigde dienste gebruik word kan op sodanige motorvoertuig beslag lê.

(2) 'n Motorvoertuig wat kragtens subartikel (1) in beslag geneem is, moet deur die Departement geberg word en dit mag nie gelos word nie alvorens, in die geval waar die houer van die toestemming wat die gebruik van die betrokke motorvoertuig magtig, aan die onderneem van ongemagtigde dienste skuldig bevind is –

(a) hy of sy die voorgeskrewe administratiewe fooi betaal het, welke fooi deur die Departement gebruik moet word om die koste van die instelling en instandhouding van die betrokke skut of skutte te delg, en die balans, indien enige, moet in die Provinsiale Stedelike Vervoerfonds inbetaal word; en

(b) hy of sy die betrokke boete betaal het of die betrokke gevangenistermyn uitgedien het,

Met dien verstande dat die administratiewe fooi vir 'n tweede beslaglegging 'n bedrag soos voorgeskryf is en verdubbel word vir elke daaropvolgende beslaglegging.

(3) Die beslaglegging op 'n motorvoertuig kragtens hierdie artikel stel nie die betrokke houer, of die eienaar of bestuurder van vervolging vir 'n misdryf kragtens hierdie Wet of 'n wet wat verband hou met die regulering en beheer van padverkeer, vry nie.

Spesiale maatreëls in sekere gebiede

55. (1) Die LUR kan, indien hy of sy dit nodig ag,deurkennisgewing in die*Provinsiale Koerant,* 'n gebied, roete of netwerk van roetes bepaal ten opsigte waarvan die spesiale maatreëls waarvoor in hierdie artikel voorsiening gemaak word, van toepassing sal wees.

(2) (a) Die LUR kan regulasies maak wat voorsiening maak

dat een of meer roetes of staanplekke vir die bedryf van minibus taxi-tipe dienste of gemeterde taxidienste, vir 'n termyn wat in die regulasies neergelê is, gesluit sal wees in 'n gebied kragtens subartikel (1) bepaal en dat geen persoon gemelde dienste op 'n roete of roetes of by die staanplek of staanplekke in sodanige gebied gedurende daardie tydperk mag onderneem nie.

(b) Die regulasies kan voorsiening maak dat die oortreding daarvan'n misdryf uitmaak en strawwee met betrekking daartoe voorskryf.

(3) Regulasies kragtens subartikel (2) kan voorsiening maak vir die uitreiking van tydelike toestemmings aan die houers van toestemmings wat die gebruik van motorvoertuie met 'n sitplekruimte van meer as 17 persone, insluitend die bestuurder, magtig, om sodanige roetes vir die duur van hul sluiting te bedryf.

HOOFSTUK 7

WETSTOEPASSING

Misdrywe en verbodsbepalings

56. 'n Persoon wat –

(a) minibustaxi-tipe dienste of gemeterde taxidienste sonder die gesag van 'n toestemming onderneem;

(b) as houer van 'n toestemming, minibustaxi-tipe dienste of gemeterde taxidienste in stryd met die bepalings of vereistes van die toestemming onderneem, of versuim om aan enige toestemmingvoorwaarde te voldoen;

(c) 'n houer van 'n toestemming, of die agent of werknemer van 'n toestemminghouer is, en toelaat dat 'n persoon wat nie 'n toestemminghouer is nie, die toestemminghouer se toestemming gebruik;

(d) met die opset om te bedrieg, 'n toestemming vervals, verander, skend, beskadig of daaraan toevoeg;

(e) weet dat 'n geskrif nie 'n toestemming of 'n dokument is wat kragtens hierdie Wet uitgereik is nie, maar sodanige geskrif of ander dokument vir die doeleindes van hierdie Wet uitgee of gebruik;

(f) weet dat 'n toestemming of ander dokument wat kragtens hierdie Wet uitgereik is, verander, geskend of beskadig of dat daaraan toegevoeg is, maar dit vir die doeleindes van hierdie Wet gebruik;

(g) behalwe soos deur hierdie Wet toegelaat, 'n toestemming, toestemmingskyf of onderskeidende teken, sonder die skriftelike toestemming van die Raad, oordra aan 'n motorvoertuig of persoon anders as 'n voertuig of persoon waarna in die toestemming, toestemmingskyf of onderskeidende teken verwys of genoem word;

(h) voorgee dat hy of sy 'n gemagtigde beampte is;

(i) 'n gemagtigde beampte opsetlik dwarsboom of lastig val in die uitoefening van sy of haar bevoegdhede of die uitvoering van sy of haar pligte;

(j) versuim om aan 'n opdrag of eis van 'n gemagtigde beampte gehoor te gee;

(k) sonder voldoende rede versuim of weier om voor die Raad of 'n lid daarvan te verskyn nadat hy of sy ingevolge hierdie Wet versoek is om dit te doen, of versuim of weier om 'n vraag wat wettiglik aan hom of haar gestel is te beantwoord, of om 'n boek, plan of ander dokument of stuk wat hy of sy so versoek is om voor te lê, voor te lê;

(l) valse inligting verskaf wanneer van hom of haar vereis word om inligting ingevolge hierdie Wet te verskaf;

(m) versuim om die inligting bedoel in artikel 34(6) in sy of haar aansoek te verskaf;

(n) aansoek doen om of 'n toestemming verkry wel wetende dat 'n ander toestemming reeds uitgereik is aan 'n ander persoon of ander regspersoon ten aansien van dieselfde motorvoertuig;

(o) 'n toestemmingskyf of onderskeidende teken vertoon op 'n motorvoertuig wat vir minibus taxi-tipe dienste of gemeterde taxidienste gebruik word, wat nie wettiglik ingevolge hierdie Wet of enige ander wet uitgereik is nie;

(p) versuim om 'n toestemmingskryf of onderskeidende teken aan enige motorvoertuig te heg, of geheg te hou, soos voorgeskryf;

(q) versuim om die onderskeidende teken aan die Raad terug te besorg, of wanneer vernietig, aan die Raad of Departement 'n versoek rig dat dit terugbesorg of vernietig moet word;

(r) as 'n passasier in 'n motorvoertuig, versuim om sy of haar naam en adres aan 'n gemagtigde beampte te voorsien of sodanige beampte te verwittig of hy of sy vir die betrokke vervoer betaal het;

(s) as houer van 'n toestemming, ongemagtigde dienste onderneem; of

(t) enige ander bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, indien sodanige oortreding of versuim nie elders as 'n misdryf aangedui word nie,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 000, of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

Vermoedens en bewys van sekere feite

57. (1) By 'n vervolging kragtens hierdie Wet –

(a) word daar vermoed, behoudens weerleggende getuienis, dat iemand wat 'n ander persoon deur middel van 'n motorvoertuig met 'n sitplekruimte van minder as 17 persone, insluitende die bestuurder, vervoer het, of wat die vervoer op daardie wyse van 'n persoon benewens die bestuurder van die motorvoertuig, toegelaat het, daardeur minibus taxi-tipe dienste of gemeterde taxidienste, na gelang van die geval, onderneem het;

(b) indien bewys word dat 'n persoon teenstrydig met hierdie Wet deur middel van 'n sekere motorvoertuig vervoer is, word dit vermoed, behoudens weerleggende getuienis, dat die eienaar van daardie motorvoertuig daardie persoon aldus vervoer het;

(c) word vermoed, behoudens weerleggende getuienis, dat iemand in wie se besit 'n geskrif gevind word wat valslik voorgee om 'n toestemming wat kragtens hierdie Wet uitgereik is, te wees, of in wie se besit 'n toestemming gevind word wat teenstrydig met hierdie Wet verander, geskend, beskadig is of waarby iets aldus gevoeg is, daardie geskrif gemaak of daardie toestemming verander, geskend of beskadig het of iets daarby gevoeg het.

(2) 'n Dokument wat heet 'n toestemming te wees wat kragtens hierdie Wet uitgereik is, of 'n afskrif van so 'n toestemming wat as 'n ware afskrif gewaarmerk is deur 'n persoon wat heet 'n beampte van die Raad te wees, is by voorlegging daarvan deur 'n persoon in 'n vervolging kragtens hierdie Wet, toelaatbaar as getuienis en is *prima facie* bewys dat dit 'n toestemming is wat geldiglik kragtens hierdie Wet uitgereik is, of dat dit 'n ware afskrif van so 'n toestemming is, na gelang van die geval, en dat elke verklaring daarin bevat, korrek is.

(3) 'n Dokument wat verklaar dat 'n motorvoertuig wettig in die naam van die persoon daarin genoem, geregistreer is, en wat heet uitgereik te gewees het deur die owerheid wat belas is met die registrasie van motorvoertuie by die plek waar bedoelde motorvoertuig geregistreer is,

is toelaatbaar as getuienis en *prima facie* bewys van die korrektheid van die verklarings daarin vervat, in 'n vervolging vir 'n misdryf kragtens hierdie Wet.

Jurisdiksie

58. 'n Landdroshof het jurisdiksie om enige saak met betrekking tot 'n misdryf soos beoog in hierdie Wet te verhoor en om enige straf in hierdie verband op te lê.

Beperking van aanspreeklikheid

59. Niemand is aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen is by die uitoefening van 'n bevoegheid of die uitvoering van 'n plig wat deur of kragtens hierdie Wet verleen of opgedra word.

HOOFSTUK 8

ALGEMENE BEPALINGS

Regulasies

60. (1) Die LUR kan regulasies maak –

(a) met betrekking tot –

(i) die inligting wat saam met 'n aansoek vir die toestaan, hernuwing, wysiging of oordrag van 'n toestemming ingedien moet word;

(ii) die prosedure wat deur die Raad gevolg moet word wanneer so 'n aansoek hanteer word;

(iii) die inligting wat saam met 'n appèl teen 'n handeling, voorskrif of besluit van die Raad, by die Vervoerappèltribunaal ingedien moet word;

(iv) die inligting wat deur die Raad aan die Vervoerappèltribunaal of die appellant in verband met 'n appèl verskaf moet word, en die wyse waarop, en tyd waarbinne, sodanige inligting verskaf moet word;

(v) die inligting wat deur toestemminghouers, munisipaliteite en geregistreerde verenigings aan die Departement verskaf moet word;

(vi) die misdrywe wat deur die Raad inaggeneem moet word by die oorweging van aansoeke om toestemmings;

(vii) die nommers gee aan roetes en die toekenning daarvan aan besondere geregistreerde verenigings of hul lede, of nie-lede, en die formaat en uitreiking van toestemmingskywe en onderskeidende tekens in daardie verband;

(viii) die uitreiking van en vertoning van kentekens deur operateurs van dienste bedoel in artikel 38;

(b) (i) wat die vervoer van skoliere deur houers houers van toestemmings reguleer;

(ii) wat die voorsiening van taxi-opleiding reguleer;

(iii) wat konflikhantering en arbitrasie tussen verenigings of die houers van toestemmings reguleer;

(iv) om gemeterde taxidienste te reguleer insluitende, maar nie beperk daartoe nie, die standaard van dienste, rygeld, motorvoertuie gebruik en die bestuurders daarvan;

(v) wat voorsiening maak vir 'n stelsel van gradering van houers van toestemmings en bestuurders;

(vi) wat voorsiening maak vir 'n stelsel vir die registrasie van bestuurders wat betrokke is by die voorsiening van minibustaxi-tipe dienste;

(vii) wat die voorsiening, beheer en gebruik van staanplekke reguleer;

(c) wat die betaling van gelde en die werklike koste betrokke vereis in verband met –

(i) 'n aansoek vir die toestaan, hernuwing, wysiging of oordrag van 'n toestemming; of

(ii) enige appèl waarvoor in hierdie Wet voorsiening gemaak word;

(iii) die uitreiking van 'n toestemming, toestemmingskyf, onderskeidende teken of ander dokument of 'n duplikaat daarvan,

en wat die bedrag van sodanige gelde, die omstandighede waaronder 'n bedrag wat by wyse van sodanige gelde betaal is in die geheel of gedeeltelik verbeur of terugbetaal moet word; die bedrag van so 'n gedeeltelike terugbetaling en die omstandighede waaronder 'n aldus betaalde bedrag na

goeddunke van die Raad in die geheel verbeur kan word of in die geheel gedeeltelik terugbetaal kan word, voorskyf;

(d) wat spesiale gekoördineerde wetstoepassingsveldtogte of maatreëls met betrekking tot minibustaxi-tipe dienste, voorskryf;

(e) wat enige ander aangeleentheid wat ingevolge 'n ander bepaling van hierdie Wet deur regulasie voorgeskryf of andersins mee gehandel moet of kan word, voorskryf of andersins daarmee handel; en

(f) in die algemeen, ten einde die bepalings en oogmerke van hierdie Wet beter uit te voer.

(2) Enige Regulasie kragtens subartikel (1) uitgevaardig, kan voorsiening maak dat iemand wat 'n bepaling daarvan oortree of versuim om daaraan te voldoen, skuldig is aan 'n misdryf en by skuldigbevinding strafbaar is met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

Verordeninge

61. (1) 'n Munisipaliteit kan verordeninge maak om –

(a) die grootte, klas of getal motorvoertuie wat 'n spesifieke gedeelte van sy regsgebied mag binnegaan te reguleer, en die tyd of tye wanneer 'n klas motorvoertuig sodanige gedeelte mag binnegaan, te bepaal;

(b) die toegang van enige klas motorvoertuig tot sodanige gedeelte gedurende enige gespesifiseerde tydperk te reguleer of verbied;

(c) die oplaai of aflaai van passasiers in enige sodanige gedeelte gedurende 'n gespesifiseerde tydperk of tydperke te verbied, en die tyd of tye wanneer sodanige op- of aflaai mag plaasvind, te bepaal;

(d) die gedrag van bestuurders van motorvoertuie wat vir minibus taxi-tipe dienste of gemeterde taxidienste gebruik word, te reguleer;

(e) die gebruik deur houers van toestemmings, bestuurders en die publiek van enige pad, roete, optel- of aflaaipunt, beweegruimte, staanplek, eindpunt of passasiersoordragfasiliteit te beheer;

(f) die regte en verpligtinge van passasiers te reguleer;

(g) die operasionele veiligheid op openbare vervoer voertuie te reguleer;

(h) die vervoer van bagasie en diere op openbare vervoer voertuie te reguleer;

(i) die hantering en wegdoening van verlore besittings te reguleer, en

(j) die voorsiening en gebruik van taxistaanplekke te reguleer en te beheer.

(2) Enige verordening kragtens hierdie artikel uitgevaardig, kan voorsiening maak dat iemand wat 'n bepaling daarvan oortree of versuim om daaraan te voldoen, skuldig is aan 'n misdryf en by skuldigbevinding strafbaar is met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

Finansies

62. Alle gelde, insluituende boetes en strawwe, wat kragtens hierdie Wet deur die Raad, die Tribunaal of die Registrateur ontvang word, moet in die Provinsiale Stedelike Vervoerfonds inbetaal word of, by die ontbinding van daardie Fonds, in die Provinsiale Padvervoerfonds, en alle uitgawes wat by die uitvoering van hierdie Wet aangegaan word, moet uit daardie Fondse bestry word: Met dien verstande dat die uitgawes wat aangegaan word in verband met die verrigting van werksaamhede van 'n gemagtigde beampte, deur die werk gewer van die betrokke beampte bestry moet word.

Herroeping van wettebesparings

63. (1) Artikel 4, 5, 6, 7, 8, 9, 10 en 11(2) van die Wet op Padvervoer, 1977, word hierby herroep.

(2) By die inwerkingtreding van hierdie Wet vestig alle bates, laste, regte en verpligtinge van plaaslike padvervoerrade kragtens die Wet op Padvervoer, 1977, ingestel, in die Raad.

(3) Behoudens hierdie Wet word enige aanstelling, aanwysing, regulasie, kennisgewing,, magtiging, toestemming, goedkeuring, besluit, vrystelling, lasgewing, bevel, opskorting, bepaling of voorwaarde wat kragtens enige bepaling van die Wet op Padvervoer, 1977, of soortgelyke wet, uitgereik, verleen, toegestaan, geneem, gegee, gedoen, beskou en behandel asof dit kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, verleen, toegestaan, geneem, gegee, gedoen, opgelê of verrig is deur die persoon of funksionaris wat ingevolge hierdie Wet bevoeg is om dit te doen.

(4) Enige aansoek vir die uitreiking of toestaan van 'n toestemming rakende minibustaxi-tipe dienste of gemeteerde taxidienste ingevolge

die Wet op Padvervoer, 1977, of soortgelyke wet, wat nie by die inwerkingtreding van hierdie Wet afgehandel is nie, word geag 'n aansoek kragtens hierdie Wet te wees vir die uitreiking of toestaan van die toepaslike toestemming.

(5) Enige verwysing na "raad" of "plaaslike padvervoerraad", of "inspekteur" in die Wet op Padvervoer, 1977, moet onderskeidelik uitgelê word as 'n verwysing na die Raad .

Kort titel en inwerkingtreding

64. (1) Hierdie Wet staan bekend as die Noordelike Provinsie Interim Passasiersvervoerwet, 1999, en tree, in werking op 'n datum wat die LUR by kennisgewing in die *Provinsiale Koerant* bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word, en datums aldus bepaal, kan verskil ten opsigte van verskillende gebiede in die Provinsie.

XITIVISO XIFUNDZANKULU

HOFISI YA HOLOBYENKULU

No. 13 **8 Dzivamisoko 2000**

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

No 4 wa 1999: Nawu wa Nkarhinyana wa Vutleketi bya Vakandziya wa Xifundzankulu xa N'walungu, 1998.

NAWU

Wo endla makungu yo lawula vutirheli bya mixaka ya tithekisi ta swibazana lebyi bya ha yimeleke ku hangalasiwa ka nawu wa vutleketli bya mani na mani; ku endla makungu ya ku simekiwa ka Bodo yo nyika Mpfumelelo ya Xifundzankulu, Huvo ya Vaahluri yo Apila ya Xifundzankulu na Murhijistara wa Tithekisi wa Xifundzankulu; wo endla makungu ya ku rhejistara ka mihlangano ya swibazana swa tithekisi, swirho na vo ka va nga ri swirho; wo endla makungu ya ku lawula na ku fambisa bindzu ra swibazana swa tithekisi; wu nga katsi makungu ya Nawu wa Vutleketli wa Mapatu, 1977, eka ku tirha ka vutirheli bya mixaka ya swibazana swa tithekisi; na ku endla makungu ya timhaka leti yelanaka na tona.

(Tsalwa ra Xinghezi sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 23 Nyenyankulu 2000)

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

LESWI NGA ENDZENI KA NAWU

Xiyenge

KAVANYISA KA 1

TINHLAMUSELO

1. Tinhlamuselo

KAVANYISA KA 2

BODO YA MIMPFUMELELO YA XIFUNDZANKULU XA N'WALUNGU

2. Ku simekiwa ka Bodo ya Mimpfumelelo ya Xifundzankulu xa N'walungu
3. Mavumbiwele ya Bodo
4. Tinhlengeletano ta Bodo
5. Maendlele ya le tinhlengeletanini ta Bodo
6. Muholo na swiengetelo swa swirho swa Bodo
7. Vatirhi va Bodo
8. Mintirho ya Bodo
9. Ku vekiwa ka vakamberi

KAVANYISA KA 3

HUVO YA VAAHLURI YO APILA YA XIFUNDZANKULU

10. Ku simekiwa ka Huvo ya Vaahluri yo apila ya Xifundzankulu
11. Tinhlengeletano ta Huvo ya Vaahluri
12. Ku apila eka Huvo ya Vaahluri
13. Vatirhi va Huvo ya Vaahluri

KAVANYISA KA 4

KU PULANIWA KA VUTLEKETLI

14. Minsinya ya ku pulaniwa ka vutleketli hi ku angarhela, swin'we na vuxaka bya yona na ku hluvukisa misava
15. Rimba ra vutleketi bya le hansi bya Xifundzankulu
16. Minxaka ya tipulani leti laviwaka hi Nawu lowu
17. Vulawuri byo pulana
18. Tirhekhodo ta sweswo ta vutleketli bya mani na mani
19. Mimpfumelelo ya mapulanele lamanene
20. Tipulani ta vutleketli ta mani na mani
21. Tinhlamuselo ta tipulana
22. Tipulani ta vutlekeleti leti hlanganeke
23. Minsinya ya xifundzankulu hi ku angarhela na maendlele ya vutleketi bya le hansi hi tlhelo ra nhluvukiso
24. Nkwetlembetano exikarhi ka swikongomelo swa ku pulaniwa ka vutleketli na ku hluvukisa misava
25. Matimba ya Xirho xa Huvonkulu yo endla swinawana mayelana na ku vupulaniwa ka vutleketli

KAVANYISA KA 5

KU THORIWA KA MURHIJISTARA WA TITHEKISI WA XIFUNDZANKULU NA KU TSARISIWA KA MINHLANGANO YA TITHEKISI, SWIRHO NA VO KA VA NGA RI SWIRHO

26. Murhijistara wa Tithekisi wa Xifundzankulu
27. Mintirho ya Murhijistara
28. Mintirho ya Xirho xa Huvonkulu
29. Ku tsarisiwa ka minhlangano, swirho na vo ka va nga ri swirho
30. Mimfungho yo hambanyisa
31. Ntlawa wa vakamberi
32. Ku tlakusa mahungu
33. Ku tsandzeka ka nhlangano kumbe wo ka a nga ri xirho ku landzelela vumbiwa ra wona kumbe Khodi ya Matikhomele eka Lava vo ka va nga ri Swirho, hi ku landzelelana, na matimba yo tshinya ya Murhijistara.

KAVANYISA KA 6

XINAWANA NA KU LAWURIWA KA VUTIRHELI BYA MIXAKA YA SWIBAZANA SWA TITHEKISI

34. Xikombelo hi mayelana na mpfumelelo
35. Ku yisa emahlweni na ku hundzuluxiwa ka mimpfumelelo leyi yi nga kona.
36. Ku hundzuluxiwa ka mimpfumelelo leyi yi nga pfumeleriwiki eka swiyimo swokarhi.
37. Ndlela ya ku ncinca mimpfumelelo yi va mimpfumelelo.
38. Mintshunxeko

39. Ku tirhiwa ka xikombelo hi tlhelo ra mpfumelelo
40. Ku siviwa ka mimovha
41. Ku hangalasiwa ka xikombelo na swivilelo hi tlhelo ra mpfumelelo
42. Timhaka leti faneleke ku tekeriwa enhlokweni tirhaniweni ka xikombelo hi tlhelo ra xikombelo
43. Vutirheli bya tithekisi bya swifundzankulu
44. Vutirheli bya tithekisi bya matiko ya misava
45. Vutirheli bya vuendzi
46. Nkarhi wa ku tirha ka mpfumelelo
47. Ku humesa mimpfumelo na makungu ya yona

48. Rhekhodo ya mimpfumelelo
49. Ku siviwa ka nkarhinyana ka movha lowu mpfumelalo wu yelanaka na wona
50. Vulawuri byo engetela byo fambisa mpfumelelo
51. Timfanelo ta mukhomi wa mpfumelelo
52. Ku khanseriwa, yimisiwanyana kumbe ku hundzulusa mpfumelelo
53. Ku khanseriwa ka mpfumelelo hi ku landza pulani ya vutleketli ya vakhandziyi
54. Ku tekiwa ka mimovha
55. Magoza yo hlawuleka eka tindhawu to karhi

KAVANYISA KA 7

KU TIRHISIWA KA NAWU

56. Milandzu ni ku yirisiwa
57. Ku tekiwa swi ri tano na ku humesa vumbhoni byo karhi bya ntiyiso
58. Mfanelo wo tirhisa matimba ya vandla ra ximfumo
59. Mpimo wa nandzu

KAVANYISA KA 8

MAKUNGU HI KU ANGARHELA

60. Swinawana
61. Swinawana swa doropa
62. Timali
63. Ku herisiwa ka milawu, na ku hlayisa
64. Nhlokomhaka hi ku komisa na ku sungula ku tirha

KAVANYISA KA 1

Tinhlamuselo

1. Eka Nawu lowu, handlekaloko nhlamuselo yi komba swin'wana-

"**Bodo**" ri vula Bodo ya Mpfumelelo ya Xifundzankulu xa N'walungu leyi simekiweke hi xiyenge xa 2;

"**Bodo ya Xifundzankulu xa N'walungu ya Vuxavisi bya Vumpfhumba**" swi vula Bodo ya Xifundzankulu xa N'walungu ya Vuxavisi bya Vumpfhumba, 1997 (Nawu wa 7 wa 1997);

"**Huvo ya Tithekisi ya Xifundzankulu**" swi vula komiti ya vayimeri va tithekisi ta swibazana na bindzau ra tithekisi leti nga pimeriwa mpfhuka swa Xifundzankulu leyi simekiweke hi ku langa Vumbiwa ro Ringanisa;

"**Huvo ya Vaahluri**" ri vula Huvo ya Vaahluri yo Apila ya Xifundzankulu leyi simekiweke ehansi ka xiyenge xa 10;

"**Huvo ya Vaahluri yo Apila ya Vutleketli**" swi vula Huvo ya Vaahluri yo Apila ya Vutleketli leyi simekiweke hi xiyenge xa 2 xa Nawu wa Huvo ya Vaahluri yo Apila ya Vutleketli, 1998;

"**Khodi ya Matikhomele**" swi vula sete ya milawu leyi bohaka eka swirho swa minhlangano leyi titsariseke leyi endlaka xiphemu xa Vumbiwa ro Ringanisa;

"**Khodi ya Matikhomele yo Vo ka Va nga ri Swirho**" swi vula sete leyi vekiweke ya milawu leyi bohaka eka lava titsariseke vo ka vá nga ri swirho;

"**laha a nga kona**" swi vula swirhonyingi swa nhlangano kumbe nhlangano wo nhlanganela wa swifundzankulu, kumbe xirho kumbe wo ka a nga ri xirho loyi a khumbhekaka, tani hilaha swi nga vaka hakona, va endlaka mintirho ya vona, hi ku landzelelana, eka Xifundzankulu;

"**Maendlele ya Swivilelo**" swi vula xiphemu xa Vumbiwa ro Ringanisa leri andlaka magoza lama faneleke ku landzeleriwa loko xirho lexi nga ni swivilelo kumbe ntlawu wa swirho swa nhlangano lowu titsariseke swi takela ku ahlaleriwa mhaka endzeni ka nhlangano, ni ku nyika xiboho xa swivilela hi ndlela ya mbulavurisano na ku endla xiboho xa nkwetlembetano hi vulamuri na hi vulamuri bya matlhelo hinkwawo;

"**Maendlele yo Tshinya**" swi vula sete ya milawu leyi endlaka xiphemu xa Vumbiwa ro Ringanisa leswaku nhlangano lowu titsariseke wu fanele wu lavisisa xivilelo xa ku tshoviwa ka Khodi ya Matikhomele hi xirho na ku

tshinya swirho leswi kumekaka swi ri ni nandzau, ku tshova Khosi ya Matikhomele;

"**masipala**"-

(a) ku fikela loko nawu lowu vuriwaka eka xiyenge xa 155(2) xa Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996), wu sungula ku tirha, ri vula nhlangano wa mfumo wa ndhawu wihi ni wihi lowu haverisiweke nawu wa masipala na ku endla vulawuri (ku nga va hi tlhelo ro va woxe kumbe hi ku hlanganela) hi tlhelo ra ndhawu yo karhi hi ku langa Nawu wa Nkarhinyana wa Mfumo wa Ndhawu, 1993 (Nawu wa 209 wa 1993), wo tirha swin'we na xiyenge xa 155(1) xa Vumbiwa;

(b) ku sukela hi siku leri nawu wu sungula ku tirha, swi vula masipela wihi ni wihi tanai hilaha wu languteriwaka eka nawu walowo;

"**movha**" ri vula movha tani hilaha wu hlamuseriwaka eka Nawu wa Swofamba eMapatwini, 1989 (Nawu wa 29 wa 1989);

"**AEpermissiona**" ri vula mpfumelelo lowu laviwaka hi xiyenge xa 52, lowu nyikiweke ni ku humesiwa hi ku landza Kavanyisa ka 6, kambe wu nga katsi mpfumelelo wo hlawuleka;

"**mukamberi**" ri vula mukamberi loyi a vuriwaka eka xiyenge xa 9;

"**mukhomi**" hi mayelana na mpfumelelo, ri vula munhu loyi ku nyikiwa ka mpfumelelo ku endliweke eka yena;

"**Murhijistara**" ri vula Murhijistara wa Xifundzankulu wa Xifundzankulu xa N'walungu;

"**Mutirhelea-tiko loyi a nyikiweke mpfumelelo**" swi vula mukamberi, xirho xihi ni xihi xa Vutirheli bya Maphorisa bya Afrika Dzonga, kumbe munhu wihi ni wihi un'wana loyi a nyikiweke mpfumelelo hi nawu ku kambela mimovha kumbe tilayinsese ta mimovha kumbe ku lawula swofamba;

"**mutirhisi**" ri vula munhu loyi a nyikiweke mpfumelelo hi mpfumelelo ku endla makungu ya vutirheli bya mixaka ya swibazana swa tithekisi;

"**Nawu lowu**" swi katsala swinawana;

"**Ndzawulo**" ri vula Ndzawulo ya Vulawuri ya Xifundzankulu leyi nga ni vutihlamuleri bya vutleketli bya mani na mani eka Xifundzankulu;

"**Nhlangano**" ri vula ntlawa wa vanhu lava tirhisaka mixaka ya swibazana swa tithekisi kumbe vutirheli bya tithekisi bya mpfhuka lowu pimiweke kumbe ntlawa lowu eka wona mimbirhi kumbe ku tlula yo tano yi nga swirho, ni ku va ni xikongomelonkulu xa ku tlakusa ku tsakela ka swirho swa wona, ni

ku va wu lava ku endla leswaku mbuyelo wa wona wu tlakusa ku tsakela ko tano;

"**nhlangano lowu yelanaka**" hi mayelana na xikombelo xa mpfumelelo, swi vula nhlangano wa lowu swirho swa wona swi tirhaka ena ndlela/patu, mpfangano wa tindlela/mapatu kumbe eka ndhawu leyi xikambelo xi nga kongomana na kona;

"**nhlangano wa nhlanganelo wa swifundza**" swi vula nhlangano lowu swirho wa swona lowu rhwalaka ni ku chicha vakhandziyi eka Xifundzankulu na le ka xin'we kumbe ku tlula xa swifundzankulu swin'wana;

"**Nhloko ya Ndzawulo**" swi vula Nhloko ya Ndzawulo; tani hilaha swi hlamuseriwaka eka Nawu wa Vutirheli bya Mani na Mani, tani hilaha wu hundzuluxiweke;

"**Nkwama wa Vutleketli bya Doroba wa Xifundzankulu**" swi vula nkwama lowu simekiweke hi xiyenge xa 8A xa Nawu wa Vutleketli wa Doroba, 1977 (Nawu wa 78 wa 1977);

"**Ntlawa**" ri vula Ntlawa wa Vakamberi lowu thoriweke ehansi ka xiyenge xa 31;

"**phemiti**" ri vula phemiti leyi yi pfumelelaka vutirheli bya tithekisi ta swibazana kumbe vutirheli lebyi humesiweke ehansi ka Nawu lowu kumbe hi Xirho xa Huvonkulu hi xitiviso eka Gazete ya Xifundzankulu.

"**thekisi ya xibazana**" swi vula movha lowu tirhisiwaka ku va wa vutirheli bya mixaka ya swibazana swa tithekisi;

"**tirhisana**" swi vula ku tirhisana tani hilaha swi hlamuseriwaka hakona eka Nawu wo Tirhisana, 1981 (Nawu wa 91 wa 1981);

"**tsarisiweke**" ri vula leswi tsarisiweke kumbe tsarisiweke hi swipimelo ehansi ka kavanyisa ka 5;

"**vekiwa**" swi vula ku vekiwa hi xinawula, na "vekiweke" ya ha ri na nhlamuselo leyi yelanaka;

"**vulawuri bya Nkarhinyana**" swi vula mpfumelelo lowu nyikiweke ehansi ka xiyenge xa 41;

"**vulawuri byo pulaniwa**" swi vula vulawuri lebyi nga ni vuswikoti lebyi nga ni vutihlamuleri byo lulamisela pulani ya ntleketlo wa tani hilaha swi languteriwaka eka xiyenge xa 20;

"**Vumbiwa ro Ringanisa**" swi vula sete leyi vekiweke ya milawu na maendlele leswi fumaka timhaka ta minhlangano leyi tsarisiweke, na ku katsa

na Khodi ya Matikhome, Maendlele ya Swirilo na Maendlele yo Tshinya ya swirho swa minhlangano yaleyo;

"**vutirheli bya mixaka ya swibazana swa tithekisi**" swi vula vutleketli bya mani na lebyi nyikiwa hi ku landza mpfumelo lowu nga eka ndlela leyi nga vuriwa kumbe nhlangano wa tindlela kumbe eka ndhawu leyi nga vuriwa ku nga ri ku ya hi tshamelo ra nkarhi hinkwawo, hi tlhelo ra movha owu nga ni vutshamo lebyi nga ehansi ka 17 wa vanhu, ku katsa na muchayeri, naswona laha mukhandziyi a hakelaka mali yo hambana, kambe ku nga katsaki vutirheli bya tithekisi bya mpfhuka lowu pimiweke;

"**vutirheli bya vupfhumba**" swi vula vutirheli bya ntleketlo bya mani na mani, byo fambisa vampfhumba, lava nga buka ka ha ri ni nkarhi eka ithenerari leyi kumekaka ya mani na mani, eka ku koka vumpfhumba;

"**vutirheli bya vutleketli bya mani na mani**" swi vula vutirheli byo fambisa vanhu hi patu ku hakerisa, hakelo kumbe swin'wana leswi tekeriwaka enhlokweni;

"**vutirheli lebyi nga pfumeleriwangiki**" swi vula vutirheli bya ntleketlo wa mani na mani lebyi nga pfumeleriwangiki hi mpfumelelo wihi ni wihi na ku katsa vutirheli byo tani lebyi endliwaka hi mukhomi wa mpfumelelo handlekaloko ku ya hi makungu ya mpfumelelo;

"**vutirheli bya tithekisi bya matiko**" swi vula vutirheli bya mixaka ya swibazana ya tithekisi kumbe vutirheli bya tithekisi bya mimpfhuka leyi pimiweke lebyi tirhelakanyana eRiphabliki na ku tirhanyana eka matiko mank'wana kumbe lebyi tleketlaka ku huma eRiphabliki ku ya eka matiko man'wana;

"**vutirheli bya tithekisi byo nhlanganela bya swifundzankulu**" swi vula vutirheli bya mixaka ya swibazana swa tithekisi kumbe vutirheli bya tithekisi ta mimpfhuka leyi pimiweke leti tirhelekalanyana eka Xifundzannkulu na kutirhelanyana eka xin'we xa swifundzankulu swin'wana kumbe ku tlula, ku nga katsiwi vutirheli bya tithekisi bya matiko;

"**vutirheli bya xifundzo**" swi vutirheli bya tleketi bya vakhandziyi lebyi endliwaka hi nhlangano wo endlela vakhandziyi va wona kumbe tikhasimende handle ko hakerisa hi ku kongoma eka mutirhisi, hi ndlela ya movha wa nhlangano kumbe muvha lowu nyikiweke ehansi ka kontraka;

"**vutirheli lebyi tsarisiweke bya mfanelo**" swi vula vutirheli lebyi katsaka mfanelo ya ntsariso wa movha na muchayeri eka rendzo leri nga sungula ri lulamisiwa na ku hakerisa, ku ya eka mimpfhuka ya ntolovelo laha-

(a) mukhomi kumbe muchayeri va nga kumiki mali ya un'we;

(b) munhu loyi a tsariseke movha hi mfanelo a nga na mfanelo yo boha ndlela, siku na nkarhi wa rendzo;

"**wo ka a nga ri xirho**" swi vula mukhomi wa mpfumelelo lowu tsarisiweke, loyi a nga weliki eka nhlangano lowu nga tsarisiwa;

"**Xifundzankulu**" ri vula Xifundzankulu xa N'walungu;

"**xinawana**" ri vula xinawana lexi endliweke ehansi ka Nawu lowu;

"**Xirho xa Huvonkulu**" swi vula Xirho xa Huvonkulu lexi nga ni vutihlamuleri bya ntleketlo wa mani na mani eka Xifundzankulu

KAVANYISA KA 2

BODO YO NYIKA MIMPFUMELELO YA XIFUNDZANKULU XA N'WALUNGU

Ku simekiwa ka Bodo yo nyika Mimpfumelelo ya Xifundzankulu xa N'walungu

2. Xirho xa Huvonkulu xi fanele ku simeka bodo yo nyika mimpfumelelo ya xifundzankulu na ku thola swirho vanhu tani hi swirho swa yona lava nga nttshunxeka, vo ka va heli timbilu na ku va kahle naswona lava ringaneleke ku va vuxirho hi swivangelo swa ku twisisa ka vona ni ku va ni vuswikoti eka kumbe vutivi bya bindzu ra vutleketli ra mani na mani naswovan va nga vi ni ku tsakela ko kongoma kumbe ko ka ku nga kongomi ka swa timali swa bindzu rero.

Mavumbiwele ya Bodo

3. (1) Bodo yi fanele ku va na

(a) mutshami wa xitulu, hi ku vona ka Xirho xa Huvonkulu, i munhu loyi a nga ringanela ku tirha tani hi mutshami wa xitulu wa Bodo; na

(b) swirho swin'wana swo ka swi nga tluli 4, hi ku vona ka Xirho xa Huvonkulu, va ni vutivi lebyi ringaneke kumbe ntokoko hi mayelano na vutleketli bya mani na mani, bindzu, nxaviselano, swa timali kumbe timhaka ta xinawu kumbe eka timhaka ta matikhomele ya mani na mani,

naswona loyi a fanele ku thoriwa hi Xirho xa Huvonkulu.

(2) Xirho xa Bodo xi fanele ku khoma hofisi ku fikela nkarhi wo tano, wo ka wu nga hundzi malembe manharhu, tani hilaha Xirho xa Huvonkulu xi nga ha bohaka hi nkarhi wa ku thoriwa ka yena, naswona wa ha lulamele ku thoriwa nakambe eka ku hela ka karhi wa yena wo khoma hofisi.

(3) Xirho xa Huvonkulu xi nga ha, endzhaku ka loko xi ta va nyikile xirho xa Bodo nkarhi wo veka mhaka ya yena, eka nkarhi wihi ni wihi xi nga herisa nkarhi wo khoma hofisi wa xirho xihi ni xihi loko xirho xo tano xi nga ha enerisi hi ku landza xiyengenyana xa (5) kumbe hi tlhelo ra matikhomelo yo biha, ku va hava vutivi kumbe ka a nga tirhi ntirho hi mfanelo.

(4) Xirho xa Huvonkulu xi fanele, hi ku landzilela xiyengenyana xa (1), a siva xivandla xa ntirho lexi nga kona eka Bodo hi ku thola munhu

un'wana ku ta tirha nkarhi lowu nga sala xa munhu loyi ku vulavuriwaka hi yena ku ka ku pfuleka xivana, a nga thoriwa.

(5) (a) Munhu a nga fanelengi ku thoriwa kumbe ku tshama a ri xirho xa Bodo-

(i) munhu wo tano-

(aa) a ri ntsongo kumbe a nga tivi swa xinawu;

(bb) a kumbe a wile ebindzwini kumbe a endla swin'wana swo n'wi chonisa;

(cc) u vile eka nkarhi wun'wana, kumbe u, susiwile ehofisini ya mani na mani hikwalaho ka matikhomele yo biha;

(dd) u vile eka nkarhi wun'wana, kumbe u, khomeriwile, ku nga va eRiphabliki kumbe kun'wana, vukhamba, vumbabva, ku fojara kumbe ku endla tsalwa leri nga fojariwa, vuxisi, nandzu hi ku landza Nawu a Vukungundwani, 1992 (Nawu wa 94 wa 1992), kumbe nandzu wihi ni wihi lowu khumbaka ku ka u nga tshembheki; kumbe

(ee) a nga ri na livhi ya Bodo, a xwile ka nharhu eka tinhlengeletano ta Bodo hi ku landzelelana; kumbe

(ff) a hlawuriwile tani hi xirho xo yimela ku langhwa eka nhlawulo wihi ni wihi wa swirho swa Palamende ya Rixaka kumbe mfumo wa milawu wa xifundzankulu hi ku landza Nawu wa Nhlawulo, 1998 (Nawu wa 73 wa 1998), kumbe tani hi muyimela ku langhwa eka nhlawulo wihi ni wihi kumbe nhlawulo wo tatisela wa masipala hi ku landza nawu wihi ni wihi; kumbe

(gg) a langhiwile ku siva xivandla lexi nga riki na munhu ePalamende kumbe mfumo wa milawu wa xifundzankulu;

(hh) loko munhu wo tano, ku nga va yena n'winyi kumbe nsati, xaka ra le kusuhi, mutirhikulobye wa bindzu kumbe nhlangano, u kumile mali ku suka eka bindzu rihi ni rihi bindzu leri yelanaka na vutleketli bya mani na mani lebyi byi nga ha, hi ku vonele ra Xirho xa Huvonkulu, swi pfilunganyaka kumbe ku nghenelela na matirhele lamanene ya mintirho ya yena tana hi xirho xa Bodo.

(b) Hi tlhelo ra ndzimana ya (a)-

(i) "vatekani" ri katsa munhu xirho xi tshamaka na yena tani hiloko va tekanile kumbe loyi xirho xi hanyaka na yena;

(ii) "xaka xa le kusuhi" swi vula mutswari, n'wana, boti kumbe sesi.

(c) Munhu u fanele, loko a nga si thoriwa tani hi xirho, a nyiketa Xirho xa Huvonkulu tsalwa leri eka rona a tiyisisaka loko a kumbe a nga si tshama a nga enerisi hi landza ndzimana ya (a)(i) na ku va loko kumbe a nga ri ni ku tsakela tani hilaha swi vuriwaka eka ndzimana ya (a)(ii),

(d) Loko xirho xihi ni xihi eka nkarhi wa xona wo khoma hofisi a kuma kumbe a languteriwa ku kuma ku tsakela loko ku nga ha vaka ku tsakela loko ku languteriwaka eka ndzimana ya (a)(ii), u fanele xikan'we kan'we hi ku tsala a tivisa mhaka yaleyo eka Xirho xa Huvonkulu na Bodo, lava eka nhlengeletano leyi landzelaka va faneleke ku vona loko ku navela ko tano ku endla kumbe ku nga ha vandla ku tluriwa ka ndzimana ya (a)(ii), naswona loko ku tekiwa ku nga tluli, ku kumba ko tano kumbe ku langutela ka ku kuma ku ku nga ha endla ku tirhiwa matlhelo hinkwawo xivilelo xa Bodo.

(e) Bodo yi yi fanele ku tsala xikan'we kan'we yi tivisa Xirho xa Huvonkulu hi xiboho xa Bodo kumbe xibumabumelo lexi languteriwaka eka ndzimana ya (d).

(f) Xirho xa Huvonkulu xi fanele, endzhaku ka ku kambisisa xiboho xa Bodo kumbe xibumabumelo, tivisa xirho lexi khumbhekaka loko ku kuma kumbe ku kuma loku languteriwaka ku vumba ku tsakela loku languteriwaka eka ndzimana ya (a)(ii) kumbe ku nga herisa matlhelo hinkwawo ya swivilelo swa Bodo, laha eka swona xirho xi faneleke ku tshika ku navela lokuya, laha loko xi tsandzeka Xirho xa Huvonkulu xi nga na teka goza hi ku landza xiyengenyana xa (3).

(6) (a) Xirho xa Bodo a xi fanelanga ku vhota, ku nghenela hi mukhuva wihi ni wihi wun'wana a hoxa xandla eka kumbe ku hlohlotela mafambisele eka nhlengeletano xiyi ni yihi ya Bodo loko, hi mayelana na mhaka xihi ni yihi leyi nga eka Bodo, a ri ni ku tsakela kwihi ni kwihi loko ku endlaka leswaku a nga tirhi kahle tani hi xirho xa Bodo hi mukhuva wa kahle, wo ka wu nga voyamanga.

(b) Loko eka nkarhi wun'wana eku fambiseni kwihi ni kwihi ka Bodo swi kumeka leswaku xirho xa Bodo xi

kumbe xi nga ha va ni ku tsakela tani hi laha swi vuriwaka eka ndzimana ya (a)-

(i) xirho xexo xi fanele xikan'we kan'we xi tivisi muxaka wa ku tsakela ka xona ni ku huma enhlengetanini ku endlela ku nyika nkarhi eka swirho leswi saleke swa Bodo ku vulavula hi mhaka ni ku boha loko xirho xexo xi fanele ku yirisiwa eka ku hoxa xandla eka mafambisele eka nhlengeletano yo tano hi ndlela ya dzolonga ra ku tsakela; na

(ii) ku tivisa ku tano, na xiboho lexi tekiweke hi swirho swa Bodo leswi saleke hi mayelana na mhaka yaleyo, ku fanele ku rhekhodiwa eka makanelwa ya nhlengeletano leyi ku vulavuriwa hi yona.

(c) Loko xirho xihi ni xihi xa Bodo xi tsandzeka ku tivisa ku tsakela kwihi ni kwihi loku ku vuriwaka eka ndzimana ya (a) kumbe loko, xi ri ni ku navela ku tano, xi nghenela kumbe hi mukhuva wihi ni wihi a hoxa xandla eka kumbe

(d) ku hlohlotela mafambisela eka nhlengeletano leyi khumbhekaka, mafambisele lama vuriwaka ma ta tekiwa ma nga ha tirhangi.

Tinhlengetano ta Bodo

4. (1) Nhlengeletano yo sungula ya Bodo yi fanele ku khomiwa hi siku ro tano na hi nkarhi wo tano na le ka ndhawu tani hi laha Xirho xa Huvonkulu xi nga ha bohaka, naswona tinhllengeletano hinkwato ku suka kwalaho ti fanele ku khomiwa hi masiku yo tano na hi minkarhi na le ka tindhawu to tano tani hilaha Xirho xa Huvonkulu a nga ha bohaka hi ku tsundzuxana na Bodo.

(2) Loko Xirho xa Huvonkulu xi nga ri kona eka nhlengeletano ya Bodo, swirho leswi nga kona swi fanele ku hlawula un'we eka swona ku fambisa nhlengeletano.

(3) Khoramu ya nhlengela ya Bodo ku fanele ku vunyingi bya nhlayo hinkwayo ya swirho swa Bodo.

(4) Xiboho xa Bodo xi fanele ku tekiwa hi vunyingi bya tivhoti ta swirho leswi nga kona eka nhlengeletano ya Bodo, naswona hi tlhelo ra ku va ku ri na ku ringana ka tivhoti eka mhaka yihi ni yihi, Xirho xa Huvonkulu xi fanele ku va na vhoti yo tatisa eka vhoti ya yena yo tsema.

(5) Bodo yi fanele ku va na laha yi hlanganaka kona na tihofisi ta vufambisi eka ndhawu leyi bohiweke hi Xirho xa Huvonkulu na ku va

swi tivisiwa hi Xirho xa Huvonkuou hi xitiviso eka gazete ya xifundzankulu.

(6) Xirho xa Huvonkulu, ku endlela ku pfuna kahle mani na mani, xi nga ha simeka hofisintsongo ya bodo yo nyika mimpfumelelo ya rhijini yihi ni yini eka xifundzankulu, naswona laha-

(a) swikombelo swo ya eka bodo yo nyika mimpfumelelo swi nga ha nghenisiwaka ni ku amukeriwa;

(b) ku pfuna ku nga ha endliwaka eka mani na mani eka ku endla swikombelo;

(c) mimpfumelelo yi nyikiwaka, pfuxetiwaka, hundzuluxiwaka kumbe ku rhurhisiwa hi bodo yo nyika mimpfumelelo, na mimfungho yihi ni yihi yo hambanyisa ya mimovha leyi mimpfumelelo yi nga ya yona, yi nga ha nyikiwa.

Mafambisele eka tinhlengeletano ta Bodo

5. (1) Bodo yi nga ha, hi tlhelo ra ku tirhana na mhaka leyi nga na yona hi ku landza Nawu lowu kumbe nawu wihi ni wihi wun'wana-

(a) pfumelela munhu loyi a khumbhiweke hi kumbe a tsakelaka mhaka, kumbe muyimeri loyi a pfumeleriweke wa munhu wo tano, ku ta eka yona na-

(i) ku nyika vumbhoni kumbe ku nyika swivilelo hi yexe leswi yelanaka na mhaka; kumbe

(ii) ku vitana mbhoni na ku rhangela vumbhoni lebyi vuriwaka mayelana na mhaka; na

(iii) vutisa munhu vutisa munhu loyi a nyikaka vumbhoni tani hi mbhoni eka mhaka yaleyo;

(b) hi ku tsala xitiviso tani hi laha swi vekiweke na ku nyika hi mukhuva lowu vekiweke, lava munhu ku ta nyika vumbhoni kumbe ku humesabuku, pulani kumbe tsalwa rin'wana kumbe tsalwa leri a nga na rona kumbe leri lawuriwaka hi yena;

(c) vitana munhu loyi a nga kona eka kumbe eka ndhawu leyi mhaka yi vulavuriwakakona, ku ta nyika vumbhoni kumbe ku humesa buku, pulani kumbe tsalwa rin'wana kumbe tsalwa leri munhu wa tano a nga na rona kwalaho;

(d) vutisa munhu loyi a yaka emahlweni tani hi mbhoni;

(e) ala ku yingisela munhu loyi a taka tani hi mbhoni loyi a alaka ku hlambanya kumbe ku tiyisisa.

(2) Munhu loyi a fambisaka nhlengeletano ya Bodo laha munhu a taka tani hi munyiki wa vumbhoni a nga ha hlambanyisa ku tekisa munhu xihlambanyo loyi a nga kona.

(3) Bodo yi fanele ku nyika vandla leyi nga ni ku tsakela hi xikombelo lexi nga tsariwa mianakanyo ya swiboho leswi nga tekiwa hi yona.

Muholo na swiengetelo swa swirho swa Bodo

6. (1) Swirho swa Bodo leswi nga riki eka vutirheli bya nkarhi hinkwawo bya xifundzankulu kumbe mfumo wa rixaka, swi fanele hi tlhelo ra vutirheli bya swona swi hakeriwa miholo yo tano na swiengetelo tani hilaha swi nga ha bohiwaka hi Xirho xa Huvonkulu.

(2) Muholo na swiengetelo swa vanhu lava vuriwaka ek xiyengenyana xa (1) yi nga ha hambana ku ya hi ku hambana ka tihofisi leti va ti khomeke kumbe mintirho yo hambana leyi tirhiwaka hi vona.

Vatirhi va Bodo

7. Nhloko ya Ndzawulo yi fanele, ku ya hi milawu leyi fumaka vutirheli bya mani na mani, endla makungu yo nyika vatirhi lava faneleke ku pfuna Bodo eka ku tirha mintirho ya yona.

Mintirho ya Bodo

8. Bodo yi fanele ku vonisisa na ku nyika xiboho eka, kumbe yi tirhana na xikombelo lexi nga kongomisiwa eka yona hi ku landza makungu ya Nawu lowu kumbe Nawu wa Vutleketli wa Mapatu, 1977 (Nawu wa 74 wa 1977), naswona yi fanele hi xikongomelo lexi tekela enhlokweni maendlele ya vutleketli wahi ni wahi ya xifundzankulu.

Ku vekiwa ka vakamberi

9. Nhloko ya Ndzawulo yi nga ha veka mutirhela-tiko wihi ni wihi loyi a nga thoriwa hi Ndzawulo tani hi mukamberi vutleketli bya mani na mani, loyi matimba na timfanelo swa yena swi faneleke ku vekiwa.

KAVANYISA KA 3

HUVO YA VAAHLURI YO APILA

Ku simekiwa ka Huvo ya Vaahluri yo Apila

10.(1) Xirho xa Huvonkulu xi fanela eka Gazete ya Xifundzankulu ku simeka Huvo ya Vaahluri yo Apila.

(2) Huvo ya Vaahluri yi ta va ni swirho swinharhu leswi swi nga thoriwa hi Xirho xa Huvonkulu leswi eka swona xin'we xi nga ni kwalomu ka ntokoto wa malembe ya 10 eku tirheni tani hi gqwetankulu kumbe muyimeri, naswona lavan'wana va fanela ku va ni ntokoto wo ndlandlamuka wa kumbe va kombile vuswikoti hi ntleketlo wa vakhandziyi va tiko kumbe timhaka ta timali kumbe mafambisele ya timhaka ta tiko.

(3) Xirho xa Huvonkulu u fanele ku thola un'we wa swirho tani hi mutshama-xitulo wa Huvo ya Vaahluri.

(4) Swiyenge swa 3(2) ku fikela (6), 5, 6 na 7 swi fanele, hi ku cinca loku ku lavekaka hi mongo, ku tirhisiwa hi tlhelo ra Huvo ya Vaahluri.

Tinhlengeletano ta Huvo ya Vaahluri

11. (1) Nhlengeletano yo sungula ya Huvo ya Vaahluri yi fanele ku khomiwa hi siku ro tano naswona hi nkarhi wo tano na ndhawu tani hilaha mutshama-xitulu a nga ha bohaka hakona, naswona tinhlengeletano endzhaku ka swona ti ta khomiwa hi masiku yo tano na hi minkarhi yo tano tani hilaha mutshama-xitulu a nga ha bohaka hakona hi ku tsundzuxana na Huvo ya Vaahluri.

(2) Loko mutshama-xitulu a nga ri kona eka nhlengeletano ya Huvo ya Vaahluri, swirho leswi swi nga kona swi fanele ku hlawula un 'we ku suka exikarhi ka nhlayo ya vona ku rhangela eka nhlengeletano yoleyo.

(3) Maendlele eka nhlengelatano ya Huvo ya Vaahluri yi faneli, ku ya hi xiyenge lexi, ku bohiwa hi mutshama-xitulu hi ku tsundzuxana na Huvo ya Vaahluri, naswona xiboho xihi ni xihi emhakeni leyi xi fanele ku tekiwa ndzhaku ka ku kambisisiwa loku ku lavekaka ka minsinya ya ku va erivaleni ni ku vonakaleni.

(4) Khoramu ya nhlengelatano ya Huvo ya Vaahluri yi fanele ku va vunyingi bya swirho swa Huvo ya Vaahluri.

(5) Xiboho xa Huvo ya Vaahluri xi fanele ku tekiwa hi vunyingi bya tivhoti ta swirho leswi swi nga kona enhlengeletanini ya Huvo ya

Vaahluri, naswona emhakeni ya ku ringana ka tivhoti emhakeni yihi ni yihi, mutshama-xitulu u fanele ku va ni vhoti ya yena yo tsema ku engetela eka tivhoti.

Ku Apila eka Huvo ya Vaahluri

12. (1) Ku hlayisa handleka ka loko swi nyikiwile eka Nawu lowu naswona na ku ya hi xiyengenyana xa (2), munhu loyi –

(a) a nga hi ku landza Nawu lowu kumbe Nawu wa Vutleketli bya le Mapatwini, kombela eka Bodo ku nyikiwa, ku pfuxeta, ku hundzuluxa kumbe ku hundzisela ka mpfumelelo kumbe loyi mpfumelelo wa yena wu nga khanseriwa, herisiwa kumbe ku yimisiwanyana hi Bodo;

(b) a nga mukhomi wa mpfumelelo lowu wu nga nyikiwa hi Bodo;

(c) hi mukhuva naswona hi nkarhi lowu vekiweke, a yisile swivilelo eka Bodo a kaneta kumbe ku seketela xikombelo, naswona a va a khumhbiwile hi xiendlo, xileriso kumbe xiboho xa Bodo, a nga ha, hi mukhuva naswona hi nkarhi lowu vekiweke, endzhaku ka loko xiendliwa lexi xi nga vuriwa xi endliwile kumbe xileriso kumbe xiboho xi nyikiwile hi Bodo, apila a kaneta xiendliwa, xileriso kumbe xiboho eka Huvo ya Vaahluri.

(2) Laha Bodo yi tivisaka munhu xiletelo kumbe xiboho lexi xi languteriwaka eka xiyengenyana xa (1) hi maendlelo ya tsalwa, siku ra tsalwa rero ri ta tekiwa ku va siku leri ha rona xileriso kumbe xiboho xexo xi nga nyikiwa ha rona.

(3) Huvo ya Vaahluri yi fanele ku kuma na, ehansi ka makungu ya xiyenge lexi na swinawana, kambisisisa apili leyi yi nga tisiwa eka yona hi ku landza xiyengenyana xa (1) naswona yi nga ha, hi ku vona ka yona –

(a) ala apili na ku tiyisisa xiendlo, xileriso kumbe xiboho lexi ku nga apiliwa hi xona; kumbe

(b) hlayisa apili, veka etlhelo xiendlo, xileriso kumbe xiboho lexi ku nga apiliwa hi xona na –

(i) ku siva xiboho xa Bodo hi xiendlo xihi ni xihi xin'wana, xileriso kumbe xiboho lexi Bodo a yi ta va yi xi endlile kumbe ku nyikiwa; kumbe

(ii) herisa mhaka leyi yi nga vanga ku apila eka Bodo leswaku yi ta kambisisiwa hi vuntswha; kumbe

(c) khoma apili swintsongo na ku hundzuluxa xiendlo, xileriso kumbe xiboho lexi ku nga apiliwa hi xona.

(4) Mutshama-xitulu wa Huvo ya Vaahluri kumbe xirho lexi xi nga hlawuriwa hi mutshama-xitulu a nga ha, hi ku tirhisa miehleketo ya yena naswona handleka ku nyika xitiviso xo rhangela ku kumbe ku yingisela munhu loyi a nga ni ku tsakela –

(a) nyika xikombelo xo tlakusiwa ka nghenisiwa loku ku nga hlwela ka xitiviso xa apili, ku ri leswaku apili yi nghenisiwile hi mukhuva lowu wu nga bohiwa hi masiku ya 42 endzhaku ka loko Bodo yi endlile xiendlo kumbe yi nyikile xiletelo kumbe xiboho lexi ku nga apiliwa ku kanetiwa xona, kumbe ku xi ala;

(b) nyika kumbe ku ala xikombelo ku yimisanyana ku endliwa ka xiendlo, xiletelo kumbe xiboho xa Bodo lexi ku nga apiliwa ku kanetiwa xona;

(c) veka etlhelo xiendlo, xiletelo kumbe xiboho xa Bodo lexi ku nga apiliwa ku kanetiwa xona na ku yisa mhaka eka Bodo leswaku yi ta kambisisiwa hi vuntswha.

(5) Xiendlo, xiletelo kumbe xiboho xa Huvo ya Vaahluri ehansi ka xiyengenyana xa (3)(b)(i) kumbe (c) swi fanele ku, handleka hi swikongomelo swa xiyengenyana xa (1), tekiwa swi ri xiendlo, xiletelo kumbe xiboho xa Bodo.

(6) Tani hilaha tiapili leti ti fambelanaka na vutirheli bya mixaka ya tithekisi ta swibazana ti nga ha kona, xiyenge lexi xi fanele ku tirhisiwa ntsena laha vutirheli bya mixaka ya tithekisi ta swibazana yi fambisiwaka endzeni ka Xifundzankulu hinkwaxo.

Vatirhi va Huvo ya Vaahluri

13. Nhloko ya Ndzawulo yi fanele, ehansi ka milawu leyi fumaka vutirheli bya mani na mani, nyiketa vatirhi lava va nga fanela ku pfuneta Huvo ya Vaahluri eka ku endliwa ka mintirho ya yona.

KAVANYISA KA 4

KU PULANIWA KA VUTLEKETLI

Ku pulaniwa ka minsinya ya vutleketli hi ku angarhela, kun'we na vuxaka bya yona bya ku nhluvukisiwa ka misava

14. (1) Ku ya hi xiyenge lexi, ku pulaniwa ka vutleketli bya le hansi ku fanela ku endliwa tano ku endlela leswaku ku katsa vutleketli bya mani na mani na bya phurayivhete na minxaka hinkwayo ya vutleketli bya le hansi lebyi yelanaka na ndhawu leyi yi khumbhekaka, naswona ku fanela ku langutiwa ngopfu eka ndlela yo hetiseka na yo hlayisa mali yo famba ku suka eka ndhawu yin'we ku ya eka yin'wana eka sisteme leyi.

(2) Ku pulaniwa ka vutleketli bya le hansi ku fanela ku hlanganisiwa na maendlele yo hluvukisa misava. Hi xikongomelo xexo, tipulani ta vutleketli leti ti laviwaka hi Nawu lowu ti fanela ku katsiwa endzeni na ku endla xiphemu xa nkoka xa tipulani to hluvukisa leti ti nga hlanganisiwa leti, hi ku landza milawu ya mfumo wa ndhawu wihi ni wihi lowu wu nga fanela ti nga ta lulamisiwa hi vamasipala.

(3) Tipulani ta vutleketli ti fanela ku hluvukisiwa leswaku ti—

(a) antswisa matirhele yo hetiseka ya madoroba-nkulu, madoroba na tindhawu ta le makaya hi ku tirhisa ku mapulanele yo hlanganisa xivevukisi xa vutleketli na swiolovisi, matirhele ya vutleketli ku katsa na loku ko nonoka, vutirheli bya mindzhwalo-nkulu na vutirheli bya vutleketli bya mani na mani endzeni ka mhaka ya tipulani letiya ti nga hlanganisiwa ta nhluvukiso na swikongomelo swo hluvukisa misava leswi swi nga vekiwa hi ku landza xiyenge xa 27 xa Nawu wa Maolovisele ya Nhluvukiso, 1995, kumbe, laha swi tirhisekaka, swikongomelo swo hluvukisa misava swa muxaka wolowo leswi swi nga vekiwa hi ku landza milawu leyi yi nga fanela ya xifundzankulu;

(b) kongomisa minkateko ya mintirho na migingiriko, ku tirha ka misava leyi yi nga hlanganisiwa na ku hluvukisiwa ka tindhawu to tshama vanhu leti ti nga manyana eka tindhawu to lava vutleketli byo tala bya mani na mani leti ti nga hlanganisiwa hi ku hluvukisiwa endzeni ka tindhawu teto, na ku alela ku ndlandlamuka ka xidoroba ko ka ku nga basanga laha vutirheli bya vutleketli bya mani na mani byi nga ringanangiki;

(c) rhangisa ku pfala na ku tata swivandla exikarhi ka tindhawu ta vutleketli bya mani na mani;

(d) rhangisa emahlweni swinene vutleketlli bya mani na mani ku tlula vutleketli bya phurayivhete hi ku vonisisa leswaku ku na vutirheli byo ringanela bya mani na mani na ku tirhisa

swipimelo swa mafambisele ya marendzo ku alela vutleketli bya mani na mani;

(e) antswisa ku kumeka ka vutirheli bya vutleketli bya mani na mani na swiolovisi; na

(f) ku hunguta ku onheka eka mbango.

(4) Ku pulaniwa ka vutleketli bya mani na mani ku fanela ku langutiwa tani hi ku yisa emahlweni ka maendlele lawa ha wona vulawuri bya ku pulana byi hluvukisaka hi ndlela ya xiphurofexeni na ku sungula vutirheli bya vutleketli bya mani na mani lebyi byi nga hlanganisiwa eka tindhawu ta vona.

(5) Handle kaloko swi ri erivaleni leswaku a swi lulamanga kumbe hi xivangelo xa ku ka swi nga endleki eka swiyimo sweswo, vulawuri bya ku pulana, eku lulamiseni ka pulani ya vutleketli bya mani namani kumbe pulani ya vutleketli leyi yi nga hlanganisiwa, byi fanela ku vona leswaku ku na ku tirhisana na ku hlanganisa endzeni ni le xikarhi na ku tirhisiwa ka vutirheli bya vutleketli bya mani na mani, swiolovisi na xivevukisi.

15. Rimba ra vutleketli bya le hansi bya xifundzankulu

(1) Xirho xa Huvonkulu xi fanela lembe na lembe, ku nga se hundza siku leri ku nga ta twananiwa ha rona na Holobyenkulu ku lulamisa rimba ra vutleketli bya le hansi bya xifundzankulu eka xifundzankulu ku ringana nkarhi wa ntlhanu wa malembe ku sukela hi siku ro sungula ra ku nghena ka lembe-ximali, hi ku landza leswi swi nga eka makungu ya xiyengenyana xa (2) na hi ku landza switsundzuxo na hi mukhuva na xivumbeko tani hilaha swi nga vekiwa hakona hi Holobye, naswona u fanela hi nkarhi wolowo a nyiketa khopi ya rimba rolero eka Holobye.

(2) Rimba ra vutleketli bya le hansi bya xifundzankulu ku fanele ku pfuna ku letela vutleketli bya le hansi eka xifundzankulu, ku katsa na vutleketli bya le hansi eka na ku suka eka swifundzankulu leswi swi nga ekusuhi.

(3) Rimba ra vutleketli bya le hansi bya xifundzankulu ri fanela—

(a) ku fambelana na xivono xa ximfumo xa xifundzankulu, matirhele na swikongomelo;

(b) ku kongomisa ku cinca eka matirhele ya vutleketli bya le hansi bya xifundzankulu na switirateji ku sukela eka lembe leri ri nga hundza ra pulani ya malembe ya ntlhanu;

(c) ku katsa na nxanxamelo lowu wu kombaka, hi ku landzelelana, nkomiso wa tiprojeke na swiphemu swa projeke leswi swi fanelaka ku yisiwa emahlweni hi nkarhi wolowo wa ntlhanu wa malembe, na hakelelo wa yin'we hi yin'we. Nkomiso lowu wu fanela ku katsa na tiprojeke letiya ti nga kombisiwa eka tipulani

ta ta vutleketli bya vanhu na tipulani ta vutleketli bya mani na mani lebyi byi nga hlanganisiwa eka xifundzankulu. Nxanxamelo lowu wu fanela ku lulamisiwa hi ku landza tipulani ta nhluvikiso leti ti nga hlanganisiwa hi ku landza nawu wa mfumo wa ndhawu wihi ni wihi lowu wu fambelanaka na swona na swikongomelo swa nhluvukiso wa misava leswi swi fambelanaka na swona leswi swi nga vekiwa hi ku landza xiyenge xa 27 Nawu wa Vuolovisi bya Ndlandlamukiso, 1995, kumbe, laha swi endlekaka, swikongomelo swa nhluvukiso wa misava swa muxaka wolowo tani hilaha swi nga vekiwa ha kona hi ku landza nawu wa xifundzankulu xexo;

(d) ku hlamusela swipimelo leswi swi fanelaka ku tekiwa hi xifundzankulu hi mavonele yo vona leswaku ku na ku tirhisana ka kahle exikarhi ka tipulani ta vutleketli ta vulawuri byo pulana hi ku endlela leswi xifundzankulu xi nga na matimba, laha swi nga fanela;

(e) ku veka swilaveko swa hakelelo leswi swi ehleketeleriwaka eka lembe hi rin'we hi rin'we ra malembe ya ntlhanu, na ku kombisa swihlovo leswi ku suka eka swona timali leti ti lavekaka ti languteriwaka ku kumeka kona;

(f) ku katsa mpimanyeto lowu wu nga ni vuxokoxoko wa xifundzankulu hi mayelana na vutleketli bya le misaveni eka lembe-ximali leri ri fambelanaka na swona hi xivumbeko lexi xi nga vekiwa hi Holobyenkulu;

(g) ku kongomisa switirateji swa timali swa xifundzankulu eka tiprojeke to hakelela eka nkarhi wo koma;

(h) ku veka xitirateji hi angarhela kumbe pulani eka ku susiwa ka swilo swa nghozi hi patu ku lulama na ndlela leyi yi nga vekiwa;

(i) ku veka swikoweto-nkulu swa matirhele leswi swi nga ta tirhisiwa ku pima matirhele hi vulawuri bya ku pulana bya mintirho ya byona na swilaveko hi ku landza Nawu lowu; na

(j) laha nawu wa xifundzankulu wu lavaka leswaku mhaka yihi ni yihi yin'wana ya nkarhi wo koma yi tirhaniwa na yona hi ku landza rimba leriya, ku tirhana na mhaka liya hi ku landza nawu lowuya.

(4) Rimba ra vutleketli bya le misaveni bya xifundzankulu lawa ya nga yisiwa eka Holobyenkulu hi ku landza xiyenge lexi ya fanela ku famba kun'we na tikhopi ta mintwanano hinkwayo mayelana na vutleketli bya lendzeni ka xifundzankulu leyi yi nga endliwa exikarhi ka xifundzankulu lexi na swifundzankulu swin'wana.

Tinxaka ta tipulani leti ti laviwaka hi Nawu lowu

16. (1) Tipulani leti ti landzelaka ta laveka eka swikongomelo swa Nawu lowu:

(a) Tirhekhodo ta sweswi t vutleketli bya vanhu leti ti nga nyikiwa eka xiyenge xa 18.

(b) Switirateji swa mimpumelelo leswi swi nga nyikiwa eka xiyenge xa 19.

(c) Tipulani ta matirhele yo amukeleka leti ti nga nyikiwa eka xiyenge xa 20.

(d) Tipulani ta vutleketli bya vanhu leti ti nga nyikiwa eka xiyenge xa 21.

(e) Tipulani ta vutleketli leti ti nga hlanganisiwa leti ti nga nyikiwa eka xiyenge xa 22.

(2) Ntirho wu sungula hi ku lulamisa rhekhodo ya sweswi ya vutleketli bya mani na mani leyi yi nyikaka masungulo eka ku ndlandlamukisa—

(i) xitirateji xa mimpfumelelo;

(ii) pulani ya matirhele yo amukeleka ku nga se va na ntirho wo thendara ewa tinkontraka ta vutirheli byo pfuniwa hi timali leti ti nga ta nyikiwa eka pulani ya vutleketli bya mani na mani;

(iii) pulani ya vutleketli bya mani na mani.

(a) Pulani ya matirhele yo amukeleka i pulani ya matirhele loko pulani ya vutleketli bya mani na mani na pulani ya vutleketli byo hlanganisiwa ku ri tipulani ta xitirateji na maendlele.

(3) Vutirheli bya mimpfhuka yo leha, vutirheli bya kontraka, vutirheli bya vatirhi na vutirheli bya marendzo a swi nga nyikiwi kumbe ku va ehansi ka pulani yihi ni yihi ya leti ti nga vuriwa eka xiyengenyana xa (1).

(4) Ku nga se fika kumbe hi siku leri ri nga bohiwa hi ku landza xiyenge xa 15(1) vulawuri bya ku pulana byi fanela ku va na xitiviso, hi Xinghezi na ririmi rin'we rin'wana, lexi xi nga hangalasiwa eka phepha-hungu leri ri famba-fambaka endhawini ya vulawuri bya ku pulana na ku kombisa leswaku pulani leyi yi khumbhekaka yi hetisiwile na ku va kona leswaku yi ta kamberiwa endhawini leyi yi nga hlamuseriwa eka xitiviso.

(5) Xirho xa Huvonkulu xi nga ha nyika ku pfuna ka mali kumbe kun'wana eka vulawuri bya ku pulana ku va endla va kota ku hetisisa swiboho swa vona ehansi ka xiyenge lexi.

(6) Laha vulawuri byo pulana byi nga kotiki kumbe byi nga hetisisiki swiboho swa byona hi ku landza xiyenge lexi, Xirho xa Huvonkulu xi nga ha tirha hi ku landza makungu ya xiyenge xa 139(1) xa Vumbiwa, lexi xi nga ta kombisa ku cinca loku ku bohaka eka mhaka leyi.

Vulawuri byo pulana

17. (1) Tipulani leti ti vuriwaka eka xiyenge xa 16(1)(a) na (b) na, laha swi nga fanela, xiyenge xa 16(1) (c), (d) na (e), ti fanela ku lulamisiwa hi vulawuri lebyi byi landzelaka, lebyi nga ta tiviwa tani hi vulawuri byo pulana:

(a) Madorobankulu-xidzi lawa ya nga vekiwa ehansi ka xiyenge xa 4 xa Nawu wa Vutleketli bya Doroba, 1977 hi tlehlo ra ti-MTA ta vona;

(b) Vamasipala van'wana eka xifundzankulu lava tindhawu ta vona ta xinawu ti nga katsiwangiki hinkwato kumbe xiphemu eka ti-MTA, naswona leti Xirho xa Huvonkulu xi vekaka ku endlela xikongomelo lexi hi xitiviso eka Gazete ya Xifundzankulu—

(i) hi ku twanana na Holobyenkulu; na

(ii) hi ku ya hi ku laveka ka na ku phakela ka vutleketli bya mani na mani eka na ku suka eka ndhawu na migingiriko ya vutleketli bya vakhandziyi endhawini yoleyo.

Vamasipala lava va nga vekisiwa sweswo va fanela ku lulamisa tipulani leti ti fambelanaka na swona ku endlela tindhawu ta vona ta xinawu.

(2) (a) Vulawuri byo pulana byi nga ha nghena eka ntwanano na vulawuri byihi ni byihi byin'wana kumbe ndzawulo ku pfuna eku endleni ka mintirho ya wona hi ku landza xiyenge lexi.

(b) Hambiswiritano, ntwanano wo tano a wu teki eka vutihlamuleri bya vulawuri byo pulana eka mintirho leyi yi nga vekiwa emavokweni ya byona hi xiyenge lexi.

Tirhekhodo ta sweswi ta vutleketli bya mani na mani

18. (1) Hi ku hatlisa loku ku kotekaka endzhaku ka ku sungula ku tirha ka Nawu lowu, kambe ku nga ri endzhaku ka siku leri ri nga ta bohiwa hi Xirho xa Huvonkulu hi ku tsundzuxana na Holobyenkulu, vulawuri byin'wana na byin'wana byi fanela ku lulamisela ndhawu ya byona rhekhodo ya sweswi ya vutleketli bya mani na mani leyi yi fambelanaka na swilaveko swa xiyenge lexi.

(2) Rhekhodo ya sweswi ya vutleketli bya mani na mani yi fanela ku lulamisiwa hi ku landza tsalwa leri ri nga thyiwa "A Requirements and Format for Preparation of Current Public Transport Records by Core Cities" leri ri na hangalasiwa eka *Gazete* hi 22 Mudyaxihi 1998 ehansi ka Xitiviso xo Angarhela xa No. 847 xa 1998, hi ku tekela enhlokweni ku cinca loku ku nga ni nkoka eka mhaka leyi na ku kombisa—

(a) vutirheli hinkwabyo lebyi byi landzelaka lebyi byi fambisiwaka endhawini ya vulawuri byo pulana:

(i) Vutirheli hinkwabyo lebyi byi nga xeduriwa lebyi byi nga—

(aa) nyikiwa hi ku landza tikontraka ta nkarhinyana;

(bb) nyikiwa hi ku landza tikontraka ta sweswi to thendara;

(cc) fambisiwaka hi mufambisi loyi a nga kona wa vutleketli bya masipala;

(dd) fambisiwaka hi mufambisi loyi a nga kona wa vutleketli bya khamphani yo tiyimela hi yoxe;

(ee) fambisiwaka hi ku landza mintshunxeko kumbe mimpfumelelo laha vutirheli byi nga bya ku khandziyisa ka masiku hinkwawo;

(ff) fambisiwaka tani hi vutirheli bya vatirhi lava va nga ni ntikelo eka sisiteme ya vutleketli bya mnai na mani;

(gg) vutirheli bya vutleketli bya mani na mani bya muxaka wihi ni wihi wun'wana lebyi byi nga nyikiwa hi ku landza kontraka ya vulawuri byihi ni byihi lebyi byi nga ni kontraka;

(hh) nyikiwa hi mufambisi wihi ni wihi un'wana kumbe hi mukhuv wihi ni wihi wun'wana, hambi wu le nawini kumbe a wu le nawini.

(ii) Vutirheli hinkwabyo byo ka byi nga xeduriwanga—

(aa) byo khandziyisa masiku hinkwawo kumbe byo ka byi nga ri byo khandziyisa masiku hinkwawo, lebyi byi fambisiwaka ehansi ka vulawuri bya ntshunxeko na ku hundzuluxeriwa eka mimpfumelelo hi ku landza xiyenge xa 48;

(bb) byo fambisiwa tani hi vutirheli bya thekisi yo pimiwa ehansi ka vulawuri bya mintshunxeko kumbe mimpfumelelo;

(cc) nyikiwa hi mufambisi wihi ni wihi un'wana kumbe hi mukhuva wihi ni wihi wun'wana, hambi wu le nawini kumbe a wu le nawini.

(iii) Vutirheli hinkwabyo lebyi byi nga xeduriwa, vutirheli byoka byi nga xeduriwanga na vutirheli bya thekisi yo pimiwa lebyi nga nyikiwa hi ku landza tikontraka ta vutirheli ta mali; na

(b) swiolovisi hinkwaswo na xidzi xa bindzu leswi swi nga kona na ku tirhisiwa endhawini leyi yi khumbhekaka ku endlela xikongomelo lexi kumbe mayelana na vutirheli bya vutleketli bya mani na mani lebyi byi nga vuriwa eka tindzimananyana ta (i) ku fika eka (iii) ta ndzimana ya (a), ku katsa na swiolovisi na xidzi xa bindzu leswi swi ndlandlamusiwaka hi ku endlela xikongomelo kumbe hi mayelana na endzeni ka ndhawu leyi yi khumbhekaka.

(3) Tirhekhodo ta sweswi ta vutleketli bya mani na mani—

(a) ti fanela ku nyiketiwa eka Xirho xa Huvonkulu hi vulawuri byo pulana ku nga se hundza siku leri ri nga bohiwa ku endlela xikongomelo xexo hi Xirho xa Huvonkulu hi ntwanano wa Holobyenkulu na ku tivisiwa hi Xirho xa Huvonkulu hi xitiviso eka gazete ya xifundzankulu;

(b) ti fanela ku tlakusiwa hi vulawuri byo pulana hi minkarhi yo yisa emahlweni hi ku tsala ku cinca eka mphakelo wa vutirheli

bya vutleketli bya mani na mani hi ku landza tindhawu leti ti nga fanela, loko sweswo swi fikeleriwile, exikarhi ka swin'wana, eka ka ku hundzuluxa, ku hundzisela, ku yimisanyana, ku hela, ku khanseriwa na ku nyikiwa ka mintshunxeko na mimpfumelelo hi huvo ya mimpumelelo;

(c) vumba masungulo ya ku ndlandlamuka ka switirateji swa mimpfumelelo, tipulani ta matirhele lawa ya amukelekaka na tipulani ta vutleketli bya mani na mani.

Vupulani bya vutlhari bya Mimpfumelelo

19. (1) Hi xikongomelo xo tiyisisa leswaku vulawuri byo pulana—
swibumabumelo eka huvo ya mimpfumelelo, swi ta endla huvo liya yi kota ku, hi ku tirhana na swikombelo mayelana na mimpfumelelo, ku fikelela ku ringanisa exikarhi ka mphakelo wa vutleketli bya mani na mani na ku laveka loku ku nga ha va ka matimba na ku ringanela ha swimbirhi ka swona, vulawuri byo pulana byin'wana na byin'wana byi fanela ku, eku pfumalekeni ka pulani ya vutleketli bya vanhu, lulamisa pulani leyi yi tivekaka tani hi xitirateji xa mimpfumelelo leyi yi nga khoma na ku veka endlele ra vulawuri byo pulana na switirateji mayelana na—

(a) ntirho wa muxaka wa vutleketli hi byin'we byin'we mayelana na ndhawu ya byona;

(b) matshamele ya timhaka lawa eka wona mintshuxeko na mimpfumelelo leyi yi nyikaka matimba ya ku tirha ka vutleketli bya mani na mani endzeni ka ndzhawu yihi ni yihi ya byona, ya fanela ku pfumeleriwa;

(c) ku tirhisiwa ka swiolovisi swa vutleketli bya mani na mani endzeni ka ndzhawu ya byona;

(d) ku papalata mphikizano wo ka wu nga vuyerisi nchumu exikarhi ka vafambisi va vutleketli;

(e) ku hetisisiwa ka tikontraka ta vuttirheli bya swa timali ta vutirheli bya vutleketli bya mani na mani byo ka byi nga pfuniwi hi swa timali; na

(f) swiyimo leswi a byi ta swi tsakela leswaku bodo ya mimpfumelelo yi swi sungula hi ku endlela mimpfumelelo.

(2) Vulawuri byo pulana byihi ni byihi byi fanele byi vonisisa leswaku mimpfumelelo ya vutlhari yi fanele yi lunghisisa hi ku famba ka nkarhi na ku hlanganisiwa nkarhi wun'wana kumbe ka mbirhi elembeni.

Tipulani ta Matirhele lawa ya amukelekaka

20. (1) Laha swi nga kunguhatiwa leswaku vutirheli bya vutleketli bya

mani na mani lebyi byi fambisiwaka hi ku landza kontraka ya sweswi leyi yi nga endliwa kumbe kontraka ya nkarhinyana, kumbe hi masipala kumbe mufambisi wa khamphani yo tiyimela, byi yisiwa emahlweni, endzhaku ka ku hela ka kontraka hi ku landza hi ku landza leswi yi fambisisiwaka ha kona, hi ku landza kontraka ya vutirheli loyi yi pfuniwaka hi swatimali, vulawuri byo pulana lebyi endhawini ya byona vutirheli lebyi byi fambisiwaka byi fanela ku lulamisa pulani ya mafambisele lawa ya amukelekaka, leswaku yi ta yisiwa eka Xirho xa Huvonkulu, loko vutirheli lebyi byi lavaka ku fambisiwa hi ku landza kontraka ya vutirheli leyi yi pfuniwaka hi swatimali, yi nga se sunguriwa hi mavonele ya—

(a) ku hungutiwa ka xipimo xa mpfuno wa timali;
(b) ku papalata mphikizano epatwini exikarhi ka vutirheli lebyi byi pfuniwaka hi timali;
(c) ku endla xivumbeko xa tikontraka ta vutirheli hi ndlela leyi yi nga ta kota ku koka mahlo ya matirhele ya ximphikizano hi vathendari lava va nga ringana;
(d) ku vonisisa leswaku mapatu na tinetiweke ta mapatu swi tirhisiwa kahle ku pima leswaku swi fikelela swilaveko swa vakhandziyi hi ku hetiseka na hi ku ringanela; na
(e) ku fambisa kahle ndlandlamukiso wa vumundzuku wa sisiteme ya vutleketli bya mani na mani lebyi byi nga hlanganisiwa.

(2) Pulani yin'wana na yin'wana ya matirhele lawa ya amukelekaka yi fanela ku landzeriwa hi pulani ya vutleketli bya mani na mani, leswaku ku va na matirhele yo hetiseka ya pulani ya matirhele lawa ya amukelekaka.

(3) Pulani ya matirhele lawa ya amukelekaka yi fanela ku va na—
(a) ku cinca loku ku nga kunguhatiwa eka mapatu lawa ya nga kona kumbe tinetiweke, kumbe hinkwaswo ha vumbirhi bya swona;
(b) ku cinca loku ku nga kunguhatiwa eka mpimo wo rhwala vakhandziyi loku ku nga nyikiwa eka mapatu kumbe tinetiweke, kumbe hinkwaswo ha vumbirhi bya swona;
(c) mukhuva lowu wu nga kunguhatiwa eka ku vumbiwa ka tikontraka ku endlela ku thendara ka vumphikizano;
(d) ntikelo wa matirhele lawa ya amukelekaka eka mixaka yo hambana hambana ya vutleketli;
(e) xikombiso xa ku antswisa loku ku fanelaka ku endliwa leswaku vakhandziyi va ta vuyeriwa;
(f) xikombiso xa swiphiqo leswi swi nga voniwa mayelana na ku simekiwa ka pulani, na switirateji leswi swi nga kunguhatiwa leswaku swi ta herisiwa.

bya vutleketli bya mani na mani hi ku landza tindhawu leti ti nga fanela, loko sweswo swi fikeleriwile, exikarhi ka swin'wana, eka ka ku hundzuluxa, ku hundzisela, ku yimisanyana, ku hela, ku khanseriwa na ku nyikiwa ka mintshunxeko na mimpfumelelo hi huvo ya mimpumelelo;

(c) vumba masungulo ya ku ndlandlamuka ka switirateji swa mimpfumelelo, tipulani ta matirhele lawa ya amukelekaka na tipulani ta vutleketli bya mani na mani.

Vupulani bya vutlhari bya Mimpfumelelo

19. (1) Hi xikongomelo xo tiyisisa leswaku vulawuri byo pulana—
swibumabumelo eka huvo ya mimpfumelelo, swi ta endla huvo liya yi kota ku, hi ku tirhana na swikombelo mayelana na mimpfumelelo, ku fikelela ku ringanisa exikarhi ka mphakelo wa vutleketli bya mani na mani na ku laveka loku ku nga ha va ka matimba na ku ringanela ha swimbirhi ka swona, vulawuri byo pulana byin'wana na byin'wana byi fanela ku, eku pfumalekeni ka pulani ya vutleketli bya vanhu, lulamisa pulani leyi yi tivekaka tani hi xitirateji xa mimpfumelelo leyi yi nga khoma na ku veka endlele ra vulawuri byo pulana na switirateji mayelana na—

(a) ntirho wa muxaka wa vutleketli hi byin'we byin'we mayelana na ndhawu ya byona;

(b) matshamele ya timhaka lawa eka wona mintshuxeko na mimpfumelelo leyi yi nyikaka matimba ya ku tirha ka vutleketli bya mani na mani endzeni ka ndzhawu yihi ni yihi ya byona, ya fanela ku pfumeleriwa;

(c) ku tirhisiwa ka swiolovisi swa vutleketli bya mani na mani endzeni ka ndzhawu ya byona;

(d) ku papalata mphikizano wo ka wu nga vuyerisi nchumu exikarhi ka vafambisi va vutleketli;

(e) ku hetisisiwa ka tikontraka ta vuttirheli bya swa timali ta vutirheli bya vutleketli bya mani na mani byo ka byi nga pfuniwi hi swa timali; na

(f) swiyimo leswi a byi ta swi tsakela leswaku bodo ya mimpfumelelo yi swi sungula hi ku endlela mimpfumelelo.

(2) Vulawuri byo pulana byihi ni byihi byi fanele byi vonisisa leswaku mimpfumelelo ya vutlhari yi fanele yi lunghisisa hi ku famba ka nkarhi na ku hlanganisiwa nkarhi wun'wana kumbe ka mbirhi elembeni.

Tipulani ta Matirhele lawa ya amukelekaka

20. (1) Laha swi nga kunguhatiwa leswaku vutirheli bya vutleketli bya

mani na mani lebyi byi fambisiwaka hi ku landza kontraka ya sweswi leyi yi nga endliwa kumbe kontraka ya nkarhinyana, kumbe hi masipala kumbe mufambisi wa khamphani yo tiyimela, byi yisiwa emahlweni, endzhaku ka ku hela ka kontraka hi ku landza hi ku landza leswi yi fambisisiwaka ha kona, hi ku landza kontraka ya vutirheli loyi yi pfuniwaka hi swatimali, vulawuri byo pulana lebyi endhawini ya byona vutirheli lebyi byi fambisiwaka byi fanela ku lulamisa pulani ya mafambisele lawa ya amukelekaka, leswaku yi ta yisiwa eka Xirho xa Huvonkulu, loko vutirheli lebyi byi lavaka ku fambisiwa hi ku landza kontraka ya vutirheli leyi yi pfuniwaka hi swatimali, yi nga se sunguriwa hi mavonele ya—

(a) ku hungutiwa ka xipimo xa mpfuno wa timali;
(b) ku papalata mphikizano epatwini exikarhi ka vutirheli lebyi byi pfuniwaka hi timali;
(c) ku endla xivumbeko xa tikontraka ta vutirheli hi ndlela leyi yi nga ta kota ku koka mahlo ya matirhele ya ximphikizano hi vathendari lava va nga ringana;
(d) ku vonisisa leswaku mapatu na tinetiweke ta mapatu swi tirhisiwa kahle ku pima leswaku swi fikelela swilaveko swa vakhandziyi hi ku hetiseka na hi ku ringanela; na
(e) ku fambisa kahle ndlandlamukiso wa vumundzuku wa sisiteme ya vutleketli bya mani na mani lebyi byi nga hlanganisiwa.

(2) Pulani yin'wana na yin'wana ya matirhele lawa ya amukelekaka yi fanela ku landzeriwa hi pulani ya vutleketli bya mani na mani, leswaku ku va na matirhele yo hetiseka ya pulani ya matirhele lawa ya amukelekaka.

(3) Pulani ya matirhele lawa ya amukelekaka yi fanela ku va na—
(a) ku cinca loku ku nga kunguhatiwa eka mapatu lawa ya nga kona kumbe tinetiweke, kumbe hinkwaswo ha vumbirhi bya swona;
(b) ku cinca loku ku nga kunguhatiwa eka mpimo wo rhwala vakhandziyi loku ku nga nyikiwa eka mapatu kumbe tinetiweke, kumbe hinkwaswo ha vumbirhi bya swona;
(c) mukhuva lowu wu nga kunguhatiwa eka ku vumbiwa ka tikontraka ku endlela ku thendara ka vumphikizano;
(d) ntikelo wa matirhele lawa ya amukelekaka eka mixaka yo hambana hambana ya vutleketli;
(e) xikombiso xa ku antswisa loku ku fanelaka ku endliwa leswaku vakhandziyi va ta vuyeriwa;
(f) xikombiso xa swiphiqo leswi swi nga voniwa mayelana na ku simekiwa ka pulani, na switirateji leswi swi nga kunguhatiwa leswaku swi ta herisiwa.

swona timali leti ti lavekaka ti languteriwaka ku kumeka kona;

(e) katsa na mpimanyeto lowu wu nga ni vuxokoxoko wa vulawuri byo pulana hi mayelana na vutleketli bya le hansi eka lembe-ximali leeri ri fambelanaka na swona hi xivumbeko lexi xi nga vekiwa hi Xirho xa Huvonkulu;

(f) kombisa hi ku kongomisa switirateji swa timali swa vulawuri byo pulana swa ku hakelela tiprojeke eka nkarhi wo koma;

(g) katsa na pulani ya vutleketli bya mani na mani ya vulawuri yo pulana;

(h) kombisa xitirateji xo angarha xa mafambisele ya ku laveka ka marendzo; na

(i) kombisa xitirateji xo angarha kumbe pulani ya ku fambisiwa ka swilo swa nghozi hi patu hi ku lulama na mapatu lawa ya nga vekiwa.

Minsinya yo angarhela ya xifundzankulu na maendlelo ya vutleketli bya le hansi eka mhaka ya nhluvukiso

23. (1) Xirho xa Huvonkulu, hi xitiviso eka gazete ya xifundzankulu, xi nga ha-

(a) veka minsinya ya vutleketli bya le hansi eka xifundzankulu leyi yi fambelanaka na minsinya yo angara leyi yi nga kombisiwa eka xiyenge xa 15 kumbe maendlelo lawa ya nga tivisiwa kumbe ku vekiwa ku yisa emahlweni hi Holobyenkulu, leyi yi seketelaka nhluvukiso; na

(b) ku hangalasa eka gazete ya xifundzankulu, ku endlela mahungu yo angarha, maendlelo ya xifundzankulu lawa ya fambelanaka na vutleketli bya le hansi eka mhaka ya nhluvukiso wa ndhawu kumbe nchumu wihi ni wihi wa kona lowu wu fambelanaka na minsinya ya maendlelo ya vutleketli bya le hansi lawa ya nga vekiwa hi Holobyenkulu naswona ehenhleni ka swona maendlelo ya xifundzankulu ya fanela ku tirhisiwa na ku landzeleriwa eka xifundzankulu.

Nkwetlembetano exikarhi ka ku pulaniwa ka vutleketli na swikongomelo swa nhluvukiso wa misava kumbe ku pulana

24. (1) Vulawuri byin'wana na byin'wana byo pulana byi fanela ku vona leswaku pulani yihi ni yihi ya vutleketli leyi yi nga lulamisiwa hi ku landza Nawu lowu wu fambelana na swikongomelo swa ndlandlamukiso wa misava leswi swi nga lulamisiwa ehansi ka xiyenge xa 30 xa Nawu wa Maolovisele ya Ndlandlamukiso, wa 1995 kumbe, laha swi endlekaka, nawu wa xifundzankulu, kumbe na ku pulaniwa ka ndlandlamukiso

loku ku hlanganisiweke loku ku fambisiwaka hi ku landza nawu wihi ni wihi wa mfumo wa ndhawu lowu wu fambelanaka na swona.

(2) Laha pulani ya vutleketli leyi yi nga lulamisiwa hi ku landza Nawu lowu yi nga landzeleli swikongomelo swa nhluvukiso wa misava leswi swi nga kona, kumbe ku pulana ka nhluvukiso loku ko hlanganisiwa ka masipala, naswona mhaka yi nga koti ku lulamisiwa exikarhi ka vulawuri byo pulana na masipala, vulawuri byo pulana byi fanela ku hundzisela mhaka leyi eka Xirho xa Huvonkulu, loyi a nga ta boha hi mhaka leyi hi ku tsundzuxana na Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri eka timhaka ta misava.

(3) A ku na ku pulana ka vutleketli loku ku nga ha tekiwaka handleka ka loko ku ri na ku tsundzuxana na mintlawa leyi yi nga ni ku tsakela leyi yi fambelanaka na swona eka mhaka leyi yi nga vekiwa.

Matimba ya Xirho xa Huvonkulu ya ku endla swinawana mayelana na ku pulana ka vutleketli

25. (1) Xirho xa Huvonkulu, hi xitiviso eka gazete ya xifundzankulu, xi nga ha endla swinawana—

(a) swo veka swilaveko mayelana na maendlele ya, na ku lulamiswa, ku chesetiwa, ku languta nakambe, ku tlakusa, ku nyiketa na ku ringanela, ka tipulani ta vutleketli leti ti laviwaka hi Nawu lowu;

(b) switsundzuxo swo veka swa makungu ya vutirheli bya mani na mani na swiolovisi hi vulawuri byo pulana na ku lawula ku tirhisa ka swona;

(c) mayelana na ku tirhisana na vutleketli bya le hansi eka tindhawu hinkwato ehansi ka vulawuri bya xifundzankulu;

(d) hi mayelana na timhaka kumbe swimhakana leswi swi khumbhaka xifundzankulu leswaku swi tekriwa enhlokweni eku lulamiseni ka switirateji swa mimpfumelelo, tipulani ta vutleketli bya mani na mani kumbe tipulani ta vutleketli leti to hlanganisiwa; na

(e) ku veka mhaka yihi ni yihi leyi, hi ku landza Kavanyisa loku, yi nga ha kumbe yi fanelaku vekiwa hi Xirho xa Huvonkulu.

KAVANYISA KA 5

KU THORIWA KA MURHEJISTARA WA TITHEKISI WA XIFUNDZANKULU NA KU TSARISIWA KA MINHLANGANO YA TITHEKISI, SWIRHO NA VO KAVA NGA RI SWIRHO

Murhejistara wa Tithekisi wa Xifundzankulu

26. (1) Xirho xa Huvonkulu xi fanela ku hlawula munhu loyi a nga ringana na ku fanela tani hi Murhejistara wa Tithekisi wa Xifundzankulu loyi a faneleke ku endla mintirho a nga rhwexiwa kumbe yi nga nyikiwa yena hi kumbe ehansi ka Nawu lowu loyi a faneleke ku endla na ku tirhisa matimba, mintirho na timfanelo swa hofisi liya hi ku tiyimela, kahle na hi ku ringana.

(2) Murhejistara u fanele ku khoma hofisi ku ringana nkarhi wo tano, wo ka wu nga hundzi ntlhanu wa malembe, tani hilaha Xirho xa Huvonkulu xi nga ha bohaka hakona hi nkarhi wa ku thoriwa ka yena, naswona u ta va a ringanile ku tlhela a thoriwa nakambe eku heleni ka nkarhi wa yena wa hofisi.

(3) (a) A ku na munhu loyi a nga ta thoriwa tani hi Murhejistara loko munhu yoloye hambi hi yena hi yexe kumbe hi ku ya hi nkata wa yena, xirho xa le ku suhani xa ndyangu, nakulorhi wa mabindzu kumbe mutirha-swin'we, a ri na kumbe a kuma ntswalo eka bindzu rihi ni rihi kumbe bindzu leri ri fambelanaka na vutleketli bya mani na mani lebyi byi nga ha vaka, hi mavonele ya Xirho xa Huvonkulu, lwisana kumbe ku kavanyetana na matirhele ya kahle ya yena tani hi Murhejistara.

(b) Hi swikongomelo swa xiyengenyana lexi "vatekani" na "xirho xa le kusuhi xa ndyangu" swi fanele ku va na tinhlamuselo leti ti nga nyikiwa swona eka xiyenge xa 3(5) (b).

4 Loko Xirho xa Huvonkulu xi nga ri kona nkarhinyana kumbe xi nga koti ku endla mintirho ya xona, Xirho xa Huvonkulu xi nga ha hlawula Murhejistara wa nkarhinyana ku tirha nkarhinyana evutshan'wini bya Murhejistara.

(5) Xirho xa Huvonkulu xi nga ha, endzhaku ka loko a nyikile Murhejistara nkarhi wo hlamusela mhaka ya yena, hi nkarhi wihi ni wihi herisa nkarhi wo khoma hofisi wa Murhejistara loko a nga ha fanelanga hi ku landza xiyengenyana xa (3) kumbe hi mhaka ya matikhomele yo biha, ku hluleka kumbe ku tsandzeka ku tirha.

(6) Loko hofisi sa Murhejistara yi ri na xivandla xa ntirho, Xirho xa Huvonkulu xi fanele ku teka magoza ya xihatla ku thola munhu wo pfala.

(7) Murhejistara a nga ha hi xikongomelo xo yisa emahlweni minttirho ya yena ehansi ka Nawu lowu –

(a) pfumelela munhu loyi a nga khumbheka hi kumbe loyi a nga ni ku tsakela eka mhaka leyi, kumbe muyimeri loyi a nga pfumeleriwa wa munhu yoloye, ku yima emahlweni ka yena na–

(i) ku nyika vumbhoni kumbe ku swivilelo hi nomo leswi fambelanaka na mhaka leyi; kumbe

(ii) ku vitana timbhoni na ku kombisa vumbhoni eka mhaka leyi yi fambelanaka na mhaka leyi; kumbe

(iii) ku vutisa munhu loyi a nyikaka vumbhoni eka mhaka leyi;

(b) hi xitiviso so tsariwa kombela munhu ku tivonakarisa emahlweni ka yena leswaku a ta nyika vumbhoni kumbe ku humesa tsalwa leri a nga ni rona eka vulawuri bya yena;

(c) vutisa munhu loyi a yimaka emahlweni ka yena tani hi mbhoni;

(d) alela ku yingisela munhu loyi a yimaka emahlweni ka yena tani hi mbhoni loyi a alaka ku hlambanyisiwa kumbe ku tiyisisiwa;

(e) hlambanyisa kumbe ku tiyisisisa ka munhu loyi a yimaka emahlweni ka yena.

Mintirho ya Murhejistara

27. Murhejistara u fanele –

(a) ku kuma, kambisisisa na ku endla xiboho ehenhleni ka swikombelo swo tsarisa swa minhlangano na swirho swa yona, minhlangano ya lendzeni ka xifundzankulu na swirho swa yona, na vokavanga ri swirho ehansi ka Kavanyisa loku na ku va tsarisa na mixaka yin'wana ya vutleketli bya vanhu hi mukhuva lowu wu nga hlawuriwa;

(b) ku tsundzuxa Xirho xa Huvonkulu hi timhaka leti ti welaka endzeni ka mongo wa Kavanyisa loku na ku vulavurisana na Xirho xa Huvonkulu hi timhaka leti ti nga ni nkoka wa tiko leti ti lavekaka eku endleni ka mintirho ya yena ehansi ka Kavanyisa loku;

(c) ku teka magoza lawa ya faneleke ku langutisisisa na ku kuma timhaka hi tlhelo ro landzelela kumbe ku ka ku nga landzeleli ku minhlangano leyi yi nga tsarisiwa na vo ka va nga ri swirho lava va nga tsarisiwa hi makungu ya Vumbiwa ro Ringanisa na Khodi ya Matikhomele ya Vo ka va nga ri swirho, hi ku landzelelana;

(d) ku pfuneta eka ku tlakusa maendlele ya xipurofexeni hi mavandla lawa ya nga tsarisiwa, swirho swa wona na vo ka va nga ri swirho;

(e) ku teka magoza hinkwawo lama faneleke ku khutaza minhlangano ku tsarisa hi ku landza Kavanyisa loku na ku nyika switsundzuxo na ku mpfuna leswaku va kota ku endla swikombelo leswi swi humelelaka swo tsarisa;

(f) hi lembe, hi ku hatlisa endzhaku ka ku hela ka lembe-ximali rin'wana na rin'wana, Murhijistara u fanele ku nyiketa eka Xirho xa Huvonkulu xiviko xa-

(i) mintirho ya hofisi ya Murhijistara;

(ii) ku tirha ka ntlawa wa vakamberi, na ntirho wa vona na ku hoxa xandla eka ku pfuna Murhijistara eka ku endla mintirho ya hofisi liya hi ku landza xiyenge lexi;

(iii) timhaka mayelana na ku tsarisa mavandla, swirho swa kona, na vo ka va nga ri swirho; na

(iv) timhaka tin'wana leti yelanaka hi mayelana na kumbe leti humaka eka ku tirhisiwa ka kavanyisa loku.

Xirho xa Huvonkulu xi fanele ku andlala xiviko ra Murhijistara eka mfumo wa milawu wa xifundzankulu ku nga si hela 21 wa masiku endzhaku ka ku xi amukela, loko mfumo wa milawu wu ri ni ntshamo, kumbe loko wu nga ri ni ntshamo, ku nga si hela 21 wa masiku ku sukela eku sunguleni ka ntshamo lowu landzelaka.

(g) endzhaku ka ku tsundzuxana na Ntlawa (loko wu ri kona), bumabumela eka Xirho xa Huvonkulu –

(i) nhlayo ya le hansi leyi nhlangano wu fanelaka ku va na yona ku va yi ringanela ku tsarisa;

(ii) nkarhi wa le hansi lowu nhlangano wu fanelaka ku va wu ri kona leswaku wu ringanela ku tsarisa;

(iii) maendlele ya vulavisisi eka swihehlo swa matikhole yo biha kumbe ku tsandzeka ku landzelela vumbiwa kumbe Khodi ya Matikhele ya Vo ka va nga ri Swirho, leri vandla kumbe vo ka va nga swirho va nga tsarisa hi ku landza Nawu lowu va hehliwaka ku va va ri ni nandzu;

(h) lavisisa, kambisisa na ku nyika xiboho eka –

(i) ku nyikiwa ka switsundzuxo eka minhlangano leyi yi nga tsarisa na vo ka va nga ri swirho;

(ii) ku yimisiwanyana ku tsarisa ka nhlangano lowu wu nga tsarisiwa kumbe vo ka va nga ri swirho;

(iii) ku khansela ku tsarisa ka mavandla na vo ka va nga ri swirho;

(iv) ku nyikiwa ka mindziho eka mavandla na vo ka va nga ri swirho

(i) hlayisa vuxokoxoko lebyi byi nga khoma timhaka leti ti nga vekiwa;

(j) pima nkoka wa mihundzuluxo loku ku nga kunguhatiwa eka mavumbiwa ya minhlangano leswaku ku ta tiyisisiwa leswaku ku hundzuluxa ku fambelana na makungu ya Vumbiwa ro Ringanisa.

(k) Kambisisa mihundzuluxo leyi ringanyetiweke eka mivumbiwa ya minhlangano ku endlela ku vonisisa leswaku mihudzuluso a yi hambani na makungu ya Vumbiwa ra Ndzinganiso

Mintirho ya Xirho xa Huvonkulu

28. (1) Xirho xa Huvonkulu xi nga ha veka –

(a) Vumbiwa ro Ringanisa eka leri mavandla yo tsarisiwa na swirho leswi swi nga tsarisiwa swi faneleke ku ri landzelela;

(b) Khodi ya Matikhomele ya Vo ka va nga ri Swirho leyi eka yona vo ka va nga ri swirho va nga ta landzelela; na

(c) Milawu yo engetela –

(i) tani hi le ka swilaveko leswi vandla leri ri nga tsarisiwa ri fanelaka ku swi landzelela, eku fambiseni ka timhaka ta rona;

(ii) tani hi le ka swilaveko leswi wo ka a nga ri xirho a fanelaka ku swi landzelela eku fambiseni bindzu ra yena; na

(iii) mayelana na matikhomele ya mavandla lawa ya nga tsarisiwa, swirho na vo ka va nga ri swirho lawa ya nga ta katsa na matikhomele yo biha.

(2) Vumbiwa ro Ringanisa ri fanele ku kombisa kumbe ku tirhana na timhaka leti ti landzelaka:

(a) vito, adirese na nomboro yo tsarisa hi yona ya vandla;

(b) mavumbiwele ya vandla;

(c) makungu na swikongomelo swa vandla, leswi swi fanelaka ku katsa na swikongomelo swo sivela ku pfumala matikhomele hi tlhelo ra swirho swa rona;

(d) ndhawu ya vulawuri bya xinawu ya vandla;

(e) xivumbeko, matholele, matimba na mintirho ya komitinkulu ya rona;

(f) ku simekiwa ka tikomiti ta nkarhi hinkwawo, ku katsa na komiti yo tshinya na komiti ya swivilelo;

(g) matirhele na maendlele ya swikombelo swa vuxirho na timfanelo, mintirho na ku xaxametisa swirho;

(h) maendlele ya na timhaka leti ku fanelaka ku tirhaniwa na tona eka tinhlengeletano ta lembe ne lembe na leto hlawuleka;

(i) timali na ku odita ka le handle;

(j) maendlele ya ku hundzuluxa vumbiwa;

(k) swilaveko swo hlanganisiwa na mavandla laman'wana;

(l) ku n'okisiwa ka vandla;

(m) khodi ya matikhomele, maendlele yo tshinya na maendlele yo apila;

(n) maendlele ya swivilelo; na

(o) mhaka yihi ni yihi yin'wana tani hilaha swi nga vekiwa ha kona.

(3) Xirho xa Huvonkulu xi nga ha endla swinawana –

(a) leswi vekaka mukhuva lowu ha wona vandla kumbe vo ka va nga ri swirho va fanelaka ku wu tirhisa eku tsariseni;

(b) leswi vekaka hakelo leyi yi hakelekaka eka Murhejistara hi ku endlela xikombelo xa ku tsarisa na tihakelo ta lembe na lembe leti ti nga ha hekeriwaka eka Murhejistara hi vandla kumbe wo ka a nga ri xirho;

(c) leswi vekaka xivumbeko na leswi swi nga endzeni ka tisetifikheti ta ntsariso;

(d) leswi vekaka maaendlele ya ndzavisiso eka swihehlo swa matikhomele yo biha kumbe xihehlo xo tsandzeka ka vandla kumbe wo ka a nga ri xirho ku landzelela makungu ya vumbiwa ra rona kumbe Khodi ya Matikhomele ya Vo ka va nga ri Swirho, hi ku landzelelana;

(e) leswi swi vekaka nhlayo ya le hansi ya swirho leswi vandla ri fanelaka ku va na swona leswaku ri ta ringana ku tsarisa;

(f) leswi vekaka nkarhi lowuntsongo lowu vandla ri fanelaka ku va ri ve kona ha wona leswaku ri ta enetisa ku tsarisa;

(g) swa mayelana na mindzavisiso na swilaveko mayelana na xikombelo hi mavandla hi minkwama ya wona,

Ku ri leswaku swinawana swo hambana hambana swi nga ha endleriwa tindhawu to hambana eka Xifundzankulu.

(4) Ko va vanhu ntsena na mavandla lawa ya nga tsarisa ehansi ka nawu lowu va faneleke ku –

(a) kuma dyondzo leyi yi nga ha hakeleriwaka hinkwayo kumbe hi xiphemu hi Ndzawulo;

(b) kuma ku pfuniwa loku ku nga ha nyikiwaka leswaku ku simekiwa ku tirhisana ka nhlangano wa vakhomi va mimpumelelo;

(c) kuma ku pfuniwa ka swatimali loku ku nga vekeriwaka swirho minhlangano;

(d) va ni mfanelo ya ku va swirho swa ntirhisano;

(e) va ni mfanelo ya ku endla tinkontraka ta vutirheli to pfuniwa ku hakeleriwa kumbe ta timali;

(f) va ni mfanelo ya ku kuma tindlela tin'wana ta ku pfuniwa leswi swi nga ha nyikiwaka vakhomi va mimpfumelelo na mavandla; na

(g) va ni mfanelo ya ku endla xikombelo xa mpfumelelo.

Ku tsarisiwa ka minhlangano, swirho na vo ka va nga ri swirho

29. (1) Nhlangano kumbe nhlangano wo tirhisana wa swifundzankulu, na xirho xin'we xa kona kumbe wo ka a nga ri xirho, u fanela hi mukhuva lowu wu nga vekiwa na ku fambisana na tihakelo ta xikombelo leti ti vekiweke, nyika xikombelo xo tsariwa xa ntsariso eka Murhejistara: Ku ri leswaku xikombelo xa ntsariso lexi eku sunguleni ka ku tirha ka Nawu lowu xi nga –

(a) nyikiwa khale, xi ta tekiwa ku va xi nyikiwile hi ku landza Nawu lowu; na

(b) se hetiwaka, xi ta tekiwa ku va xi xikombelo xa ntsariso hi ku landza Nawu lowu.

(2) Murhejistara u fanele ku nyika setifikheti ya xipimelo xa ntsariso yo landza xiyimo na nomboro ya ntsariso eka nhlangano na un'wana na un'wana wa swirho swa wona lava hi xikombelo va n'wi enetisaka –

(a) leswaku a wu ri kona ku ringana nkarhi lowuntsongo lowu wu nga vekiwa: Ku ri leswaku Murhejistara u fanele ku tirhisa miehleketo ya yena ku tsarisa minhlangano leyi yi nga va kona ku ringana minkarhi yintsongo eka leyi yi lavekaka laha hi mavonele ya yena leswi swi lulamile;

(b) leswaku nhlayo ya swirho swa wona yi ringana na nhlayo yintsongo leyi yi nga vekiwa: Ku ri leswaku Murhejistara u fanele ku tirhisa miehleketo ya yena ku tsarisa mavandla lawa ya nga na nhlayo yintsongo eka leyi yi lavekaka laha hi mavonele ya yena leswi swi lulamile hi swivangelo swa matshamelo na nhlayo ya kona;

Ku ri leswaku xipimelo xa ntsariso lexi nga nyikiwa nhlangano xi fanele ku hela nhlangano kumbe wo ka a nga ri xirho u fanele ku nyikiwa ntsariso lowu heleleke ku nga si hela tin'wheti ta tsevu ku sukela siku ra ku nyikiwa ka ntsariso wo landza matshamelo ya timhaka.

(3) Murhejistara u fanela ku nyika setifikheti ya ntsariso na nomboro ya ntsariso eka nhlangano kumbe nhlangano wo tirhisana wa swifundzankulu lowu ehenhleni ka xikombelo wu enetisaka Murhejisatara leswaku –

(a) wu vi le kona ku ringana nkarhi lowuntsongo, ku ya makungu ya xiyengenyana xa (2)(a);

(b) nhlayo ya swirho yi ringana na nhlayo ya leyintsongo leyi yi nga vekiwa, ku ya hi makungu ya xiyengenyana xa (2)(b);

(c) vumbiwa leri ri nga tisiwa hi vandla ri sayiniwile na ku amukeriwa hi un'wana na un'wana wa swirho naswona ri fambelana na ku katsa makungu ya Vumbiwa ro Ringanisa na swilaveko leswin'wana leswi swi nga vekiwa;

(d) hakelo yo joyina hi yona, tihakelo ta vuxirho ta lembe na lembe na Tihakelo tin'wana leti ti hakelekaka eka nhlangano hi

swirho swa wona a ti hundzisi mpimo wa le henhla lowu wu nga vekiwa;

(e) xirho xin'wana na xin'wana lexi hi tlhelo ra xona xikombelo xi nga endliwa xi khomile mpfumelelo wa movha wun'wana na wun 'wana lowu tirhisaka naswona matirhisele ya kona ya le nawini endzeni ka matimba ya mpfumelelo wo tano; na

(f) wu nyiketile vuxokoxoko hinkwabyo lebyi byi laviwaka hi Murhejistara kumbe tani hilaha swi bohiweke hakona, naswona vuxokoxoko byi tiyisisiwile hi mukhuva lowu wu nga vekiwa.

(4) Murhejistara u fanele ku nyiketa setifikheti ya ntsariso eka xirho xa nhlangano lowu nga tsarisiwa kumbe nhlangano wa ntirhisano wa swifundzankulu lowu kumekaka eka Xifundzankulu loyi ehenhleni ka xikombelo hi nhlangano wo tano a enetisaka Murhejisatara leswaku –

(a) nhlangano kumbe nhlangano wo tirhisana wa swifundzankulu lowu eka wona xirho xi welaka kona wu tsarisiwile;

(b) xirho xi khomile mpfumelelo wa movha wun'wana na wun'wana lowu xi wu tirhisaka naswona matirhisele ya kona ya le nawini endzeni ka vulawuri bya mpfumelelo wo tano;

(c) xirho xi sayinile ni ku pfumela ku yima hi vumbiwa leri ri nga tisiwa hi nhlangano lowu nga tsarisiwa lowu eka wona a nga xirho; na

(d) xirho xi tisile vuxokoxoko hinkwabyo lebyi laviwaka hi Murhejistara kumbe hilaha swi nga vekiwa, naswona vuxokoxoko byi tiyisisiwile hi mukhuva lowu wu nga vekiwa.

(5) Murhejisatara u fanele ku nyiketa setifikheti ya ntsariso eka wo ka a nga ri xirho loyi a tshamaka endzeni ka Xifundzankulu loyi ehenhleni ka xikombelo a enetisaka Murhejistara leswaku –

(a) wo ka a nga xi xirho hu ti tsarisile eka Khodi ya Matikhomele leyi tirhisiwaka eka xifundzankulu;

(b) wo ka a nga ri xirho-

(i) u khoma mpfumelelo lowu nga fanela phemiti ya movha wun'wana na wun'wana hi ndlela leyi wo ka a nga ri xirho a tirhaka ha yona eka vutirheli bya vutleketli bya mani na mani; na

(ii) u tirhisa vutirheli bya vutleketli bya mani na mani lebyi mpfumelelo wu nga hi mayelano na byona, hi ku landza swipimelo swa, na swipimelo leswi khomisiweke kona, matimba lawa a haverisiweke hi mpfumelelo;

(c) xikombelo xa ntsariso xi endliwile-

(i) eka Murhijistara wa xifundzankulu; na

(ii) hi mukhuva lowu nyikiweke eka Kavanyisa loku, ku famba swin'we na mali ya xikombelo leyi vekiweke hi Xirho xa Huvonkulu;

(d) wo ka a nga ri xirho wa munhu wa xinawu-

(i) a vile kona nkarhi lowu nga komangiki ku tlula nkarhi lowu bohiweke hi Xirho xa Huvonkulu hi xitiviso eka gazete ya xifundzankulu; na

(ii) swirho leswi, hi tlhelo ra khampani kumbe bindzu leri nga tiviwiki kumbe tsarisiweke hi ku landza Nawu wa Tikhampani, 1973 (Nawu wa 61 wa 1973), kumbe Nawu wa Minhlangano leyi Pfalekeke, 1984 (Nawu wa 69 wa 1984), hi ku landzelelana, yi nga katsi vanhu vambirhi kumbe ku tlula lava, eka karhi wa ku vumbiwa ka khampanyi kumbe nhlangano lowu pfalekeke, kumbe eka nkarhi wihi ni wihi ku suka kwalaho, a va ri va tirhisi va vutirheli bya vutleketli bya mani na mani lebyi bya ha fanaka swinene na vutirheli bya vutleketi bya mani na mani byi ri karhi byi tirhisiwa hi khampani ya kona kumbe nhlangano lowu pfalekeke; kumbe

(e) Ntsariso wa mukomberi tani hi wo ka a nga ri xirho swi pfumeleriwa eka swivangelo leswi landzelaka:

(i) A ku na nhlangano lowu tsarisiweke hi tlhelo ra ndlela kumbe tindlela/mapatu laha vutirheli bya tleketlo bya mani na mani bya mukomberi byi tirhaka; kumbe

(ii) laha ku nga na nhlangano lowu tsarisiweke wo tano, loko-

(aa) mukomberi a aleriwile vuxirho bya nhlangano; kumbe

(bb) mukomberi a nga fikeleli swilaveka swa nhlangano leswaku a amukeriwa eka vuxirho; na

(cc) ku va swilaveko swa nhlangano swo amukeriwa eka vuxirho swi nga ri kahle; kumbe

(dd) hi tlhelo ra leswi humelelaka ku ya emahlweni, mukomberi a nga swi koti ku va a amukeriwa ku va xirho xa nhlangano; kumbe

(ee) mukomberi, loko a amukeriwile eka vuxirho bya nhlangano, a nga khomiwi kahle.

(6) Loko endzhaku ka ku kambisisisa xikombelo xa ntsariso, Murhejistara a nga enetisiwi leswaku mukomberi u landzelerile swilaveko swa xikombelo., u fanela ku tivisa mukomberi hi swilaveko leswi swi nga fikeleriwangiki, naswona a nga ha nyika mukomberi switsundzuxo na mpfuno leswaku mukomberi a ta kota ku fikelela swilaveko swa xikombelo.

(7) Eku tsariseni ka nhlangano wo tirhisana wa swifundzankulu kumbe wo ka a nga ri xirho loyi a tirhaka vutirheli bya ntirhisano wa tithekisi ta swifundzankulu, Murhejistara u fanele ku yisa khopi ya setifikheti ya

ntsariso eka Murhejistara eka xifundzankulu xin'wana na xin'wana eka kumbe ku suka eka lowu swirho swa nhlangano kumbe wo ka a nga ri xirho a tirhaka a ri kona.

(8) Nhlangano kumbe wo ka a nga ri xirho loyi a nga tsarisa eka xifundzankulu xin'wana u fanele ku sayina xihlambanyo hi mukhuva lowu vekiweke leswaku nhlangano wolowo kumbe wo ka a nga ri xirho u fanele ku landzelela makungu ya Khodi ya Matikhomele kumbe Khodi ya Matikhomele ya Vo ka va nga ri Swirho, hi ku landzelelana ka swona na, emhakeni leyi nhlangano, Xivilelo na Maendlele yo Tshinya ya nga ta tirhisiwa.

(9) Murhejistara a nga ha tshika ku tsarisa nhlangano, xirho kumbe wo ka a nga ri xirho ehenhleni ka xikombelo, kumbe laha –

(a) nhlangano, xirho kumbe wo ka a nga ri xirho a nga susiwa eka rhejistara ehansi ka xiyenge xa 33;

(b) nhlangano wu nga yima ku va kona kumbe wu sukile endhawini laha wu tirhaka wu ri kona ehandle ka Xifundzankulu;

(c) xirho kumbe wo ka a nga ri rirho a nga ha ri mukhomi wa mpfumelelo wa le nawini lowu wu kombisaka matirhele ya yena.

(10) Murhejistara u fanela ku tivisa Bodo hi ku khansela ku tsarisa ka nhlangano kumbe ka wo ka a nga ro xirho, laha eka swona Bodo yi nga ta khansela –

(a) mimpfumelelo ya swirho hinkwaswo swa vandla ro tano, handle ka laha ku khansela ka ku tsarisa ku nga vanga ku rhurha eka ndhawu yo tirhela kona ehandle ka Xifundzankulu;

(b) mpfumelelo wa wo ka a nga ri xirho loyi a khumbhekaka.

(11) A ku na nhlangano lowu nga ta yimeriwa eka huvo ya tithekisi ya ndhawu kumbe foramu ya vutleketli leyi yi vuriwaka eka Nawu lowu, kumbe ku nyika swibumabumelo mayelana na swikombelo swa mpfumelelo ehansi ka Nawu lowu, naswona a ku na nhlangano lowu kumbe wo ka a nga ri xirho a fanelaka ku tirhisa tihakelo leti ti nyikiwaka hi ku landza Nawu lowu hi mfumo kumbe nhlangano eka xiphemu xihi ni xihi xa mfumo, handleka loko nhlangano wo tano kumbe wo ka nga ri xirho a tsarisiwile hi ku landza Nawu lowu.

Mimfungho yo Hambanyisa

30. (1) Murhejistara a nga ha nyika maraka yo hambanyisa kumbe timaraka ta golonyi yin'wana na yin'wana leyi yi tirhiseriwaka enawini hi swirho leswi swi nga tsarisiwa kumbe vo ka va nga ri swirho.

(2) Setifikheti ya ntsariso na maraka yo hambanyisa leswi swi nga nyikiwa swi fanela ku va hi xivumbeko lexi xi nga bohiwa.

Ntlawa wa Vakamberi

31. (1) Xirho xa Huvonkulu xi nga ha hlawula vanhu va mune tani hi Ntlawa wa Vakamberi leswaku va ta tiviwa tani hi Ntlawa wa Vakamberi wa Murhejistara leswaku va tsundzuxa Murhejistara hi timhaka leti ti yisiwaka eka Ntlawa hi yena.

(2) Swirho swa Ntlawa wa Vakamberi –

(a) xirho xin'we xi fanela ku yimela bindzu ra swibazana swa tithekisi swa marendzo yo leha ra Xifundzankulu na xirho lexin'wana xi fanela ku yimela bindzu ra swibazana swa tithekisi swa marendzo yo koma ra Xifundzankulu;

(b) xirho xin'we xi fanela ku hlawuriwa ku suka eka vaaki vaha ni vaha eka Xifundzankkulu ku yimela vakhandziyi; na

(c) xirho xin'we xi fanela ku va ni vutivi bya kumbe ntokoto eka nawu.

(3) Murhejistara a nga ha, endzhaku ka ku tsundzuxana na Xirho xa Huvonkulu, hlawula ku tirha eka Phanele mayelana na mhaka yihi ni yihi yo karhi, swirho swo engetela swo ka swi nga tluli ntlhanu leswi swi nga ha katsaka –

(a) vanhu lava va yimelaka vamasipala;

(b) vanhu lava va yimelaka ku tsakela ka swa mintirho,

naswona munhu loyi a nga hlawurisiwa xisweswo a nga ha hi ku komberiwa hi mutshama-xitulo tirha eka na ku vhota etinhlengeletanini ta Phanele.

(4) (a) Ehandle ka swirho leswi swi vuriwaka eka xiyengenyana xa (2)(a), a ku na loyi a nga ta hlawuriwa kumbe ku tshama a ri xirho xa Ntlawa wa Vakamberi loko, hambi hi yena yexe kumbe hi nkata wa yena, xirho xa ndyangu xa le ku suhani, nakulorhi wa bindzu kumbe mutirhikulobye, a ri na kumbe ku kuma ntswalo wa mali wo kongoma kumbe wo ka wu nga wu nga kongomi eka bindzu rihi ni rihi leri ri fambelanaka na vutleketli bya vanhu kumbe a ri mukhomi wa hofisi wo hlawuriwa eka vandla, kumbe a khumbheka eka migingiriko leyi yi nga ha, hi mavonele ya Xirho xa Huvonkulu, lwisana kumbe ku nghenelelana na matirhela ya kahle ya mintirho ya yena tani hi Xirho xa Ntlawa wa Vakamberi.

(c) Ku endlela swikongomelo swa xiynegenyana lexi "spouse" na "immediate family member" swi fanela ku va ni tinhlamuselo leti swi nga nyikiwa tona eka xiyenge xa 3(5)(b).

(5) Swirho na swirho leswi swi nga hlawuriwa swa Ntlawa wa Vakamberi swi fanela hi ku endlela vutirheli bya swona swi kuma muholo wo tano na swiolovisi naswona swi fanela ku hlawuriwa ehenhleni ka swipimelo na swiyimo naswona eka nkarhi wo tano lowu Xirho xa Huvonkulu xi nga ha bohaka.

(6) Xirho xa Huvonkulu xi nga ha, endzhaku ka loko xi nyiketile xirho xa Ntlawa wa Vakamberi nkarhi wo hlamusela mhaka ya yena, eka nkarhi wihi na wihi herisa nkarhi wa hofisi wa xirho xo tano loko a va a nga ha ringananga hi ku landza xiyengenyana xa (4) kumbe ehenhleni ka ku pfumala matikhomele, ku ku hluleka kumbe ku tsandzeka ku tirha.

(7) Murhejistara u ta fanela ku va mutshama-xitulowa Phanele.

(8) Swirho swinharhu swa phanele na Murhejistara va fanela ku endla khoramu ya tinhlengeletano ta Phanela.

(9) Handle ka tani hilaha swi nga nyikiwa ha kona eka xiyenge lexi, Panele yi boha maendlele lawa ya tirhisekaka etinhlengeletanini.

(10) Murhejistara u fanela ku tsundzuxana na Ntlawa wa Vakamberi (loko wu ri kona) loko wu nga se tsarisa, ku khansela ku tsarisa kumbe ku yimisa nhlangano wihi ni wihi.

Ku antwisiwa ka vuxokoxoko

32. (1) Minhlangano leyi yi nga tsarisiwa, swirho na vo ka va nga ri swirho va fanela ku tivisa Murhejistara hi ku cinca kwihi ni kwihi ka vuxokoxoko lebyi byi nga nyikiwa ehansi ka Kavanyisa loku ku nga si hela 14 wa masiku hi ku cinca loku ku sungulaka ku tirha.

(2) Minhlangano leyi yi nga tsarisiwa ya fanele ku tivisa Murhejistara hi mbuyelo wa xivilelo xihi ni xihi na mafambisele yo tshinya hi masiku ya nkombo wa xiboho lexi xi fambelanaka na swona lexi xi nga tekiwa, kumbe mbuyelo wa aphili lowu wu nga tivisiwa.

Ku tsandzeka ka nhlangano kumbe wo ka a nga ri xirho ku landzelela vumbiwa kumbe Kodi ya Matikhomele ya Vo ka va nga ri Swirho, hi ku landzelelana, na matimba ya Murhejistara yo tshinya

33. (1) Laha Murhejistara a ehleketelelaka leswaku –

(a) nhlangano wo tsarisiwa ri tsandzekile ku landzelela, milawu leyi yi nga vekiwa hi vumbiwa ra wona kumbe leyi yi nga bohiwa hi Xirho xa Huvonkulu; kumbe

(b) wo ka a nga ri xirho u tsandzekile ku landzelela Kodi ya Matikhomele ya Vo ka va nga ri Swirho,

u fanele ku lavisisa mhaka hi mukhuva lowu wu nga vekiwa.

(2) (a) Loko, tani hi mbuyelo wa ndzavisiso –

(i) vandla ro tsarisiwa ri kumeka ri tsandzekile kku landzelela milawu leyi yi nga vekiwa eka vumbiwa ra rona kumbe leyi yi nga bohiwa hi Xirho xa Huvonkulu; kumbe

(ii) wo ka a nga ri xirho a kumeka a tsandzekile ku landzelela Kodi ya Matikhomele ya Vo ka va nga ri Swirho,

na Murhejistara a ri ni mavonele ya leswaku ku tsandzeka loku ku nga ololoxiwa, Murhejistara u fanela ku rhumela xitiviso xo tsariwa eka vandla ro tsarisiwa kumbeee wo ka a nga ri xirho a lerisa leswaku vumbiwa kumbe milawu leyi yi nga bohiwa, kumbe Kodi ya Matikhomele ya Vo ka va nga ri swirho, tani hilaha mhaka yi nga vaka yi ri ha kona, swi landzeleriwa na ku veka magoza lawa ya nga ta landzeleriwa hi nkarhi lowu wu nga vekiwa, na ku vutisa hambi nhlangano kumbe wo ka a nga ri xirho a lava ku pfuniwa ku landzelela na swona.

(b) Loko xitiviso lexi ku vuriwaka xona eka ndzimana ya (a) xi nga landzeleriwanga, Murhejistara u fanele –

(i) ku veka ndziho lowu wu nga hundziki ntsengo lowu wu nga vuriwa eka xiyengenyana xa (8); kumbe

(ii) ku nyika xileriso xa nkarhinyana xo yimisa nkarhinyana setifikheti ya ntsariso; kumbe

(iii) ku nyika xileriso xo tsariwa xo kutsula setifikheti ya ntsariso,

Ku ri leswaku, loko ku tsandzeka ko va mhaka ya vugevenga kumbe mafambisele ya xinawu ekhoto ya nawu, Murhejistara a nga ha hundzisela emhlweni ndzavisiso kumbe migiriko yin'wana ku fikela mafambisele ya hetiwile.

(3) Laha matshamelo ya timhaka lawa ya vuriwaka eka xiyengenyana xa (2) Murhejistara a ri ni mavonele ya leswaku ku tsandzeka loku ku nga ka ku nga lulamisiwi, u fanela ku tka rin'we ra magoza lawa ya nga kombisiwa eka xiyengenyana xa (2)(b), naswona a nga ha herisa mpfumelelo wa nhlangano kumbe wo ka a nga ri xirho ku endla xikombela xa ntsariso nakambe.

(4) Laha Murhjistara a nga tivisiwa hi nhlangano wo tsarisiwa leswaku wu yimsilenyana kumbe ku hlongola xirho, Murhejistara u fanela ku yimisanyana kumbe ku khansela ntsariso wa xirho xexo, tani hilaha mhaka yi nga va yi yimile hi kona: Ku ri leswaku Murhejistara u fanela ku enetisiwa hi leswaku maendlele yo tshinya eka vumbiwa ra nhlangano ya tirhisiwile kahle naswona hi ku lulama na leswaku xirho a xi le ka aphileni hi ku yimisiwanyana kumbe ku hlongoriwa.

(5) Murhejistara u fanela xikan'wekan'we endzhaku ka ku nyikiwa ka xileriso xa leswaku vito ra nhlangano wihi ni wihi kumbe wo a nga ri xirho a humesiwa eka rejistara, a yisa setifikheti yo tiyisisiwa ya kona eka Xirho xa Huvonkulu, Bodo, vamasipala lava va khumbhekaka na tindzawulo ta mfumo kumbe mavandla lawa ya nyikaka swipfuno kumbe mpfumo eka vandla ro tsarisiwa kumbe sworho swa rona kumbe wo ka anga ri xirho loyi ku nga khanseriwa ntsariso wa yena hi xiyimo xa ku va va tsarisiwile.

(6) Nhlangano na swirho swa wona, kumbe wo ka a nga ri xirho loyi a nga humesiwa eka rejistara, swi fanela tlherisela eka Murhejistara tisetifikheti ta swona ta ntsariso na timaraka to hambanyisa leti ti nga nyikiwa eka vona ku nga si hela masiku ya nkombo ya ku kuma xileriso xa ku herisa ku tsarisa lexi xi nga sayiniwa hi Murhejistara.

(7) Munhu loyi a ri karhi a swi tiva a nyikaka vuxokoxoko bya mavunwa kumbe byo hambukisa eka Murhejistara, kumbe a tsandzeka ku landzelela ntirho lowu wu nga vekiwa ehansi ka Kavanyisa loku, u fanele ku va ni nandzu wo tlula nawu naswona a va ni ndzhwalo wa minxupulo yo ka yi nga hundzi leyi yi nga vekiwa eka xiyenge xa 50.

(8) Murhejistara, endzhaku ka ku tsundzuxana na Phanele, a nga ha veka ndziho wo ka wu nga hundzi R100 000 eka vandla kumbe wo ka a nga ri xirho loyi a n'wi nyikaka vuxokoxoko bya mavunwa kumbe byo hambukisa, kumbe loyi a tsandzekaka ku landzelela ntirho lowu wu nga vekiwa ehansi ka Kavanyisa loku, ndziho lowu wu nga ta fanela ku hakeriwa eka Nkwama wa Vutleketli bya Doroba wa Xifundzankulu.

(9) Laha vumbiwa ra nhlangano ri nga yimiki hi mhaka yin'we kumbe ri kanetanaka na makungu ya Vumbiwa ro Ringanisiwa, makungu ya Vumbiwa ro Ringanisiwa ya ta tirhisiwa ematshan'wini ya lawaya ya vumbiwa ra nhlangano.

(10) Munhu wihi ni wihi loyi a vilerisiwaka hi xiboho xa Murhejistara a nga ha apila eka Xirho xa Huvonkuluu hi mukhuva lowu wu nga vekiwa naswona hi ku hakela hakelo leyi nga bohiwa, loyi a nga ha –

(a) khomaka apili hinkwayo kumbe hi xiphemu, naswona laha swi nga fanela, hundzuluxa xiboho xa Murhejistara;

(b) alana na apili; kumbe

(c) tlherisela mhaka leyi eka Murhejistara leswaku yi ya kambisisiwa,

Ku ri leswaku hakelo liya yi ta tlheriseriwa laha apili yi nga humelela hinkwayo kumbe xiphemu xa yona kumbe mhaka yi tlheriseriwa eka Murhejistara.

(11) Laha munhu a nga tivisiwa hi Murhejistara ku ya nghenela vuyingiseri naswona a tsandzeka ku endla tano, vuyingiseri byi nga ha ya emahlweni handleka ka vukona bya yena naswona swiboho leswi swi na tekiwa eka vuyingiseri swi ta tshama swa ha tirha eka munhu yoloye handleka vukona bya yena, loko Murhejistara a enetisiwa hi leswaku munhu loyi u kumilu xitiviso xo ku nghenela vuyingiseri naswona a ku na swivangelo swo antswa swa ku va a tsandzekile ku nghenela.

KAVANYISA KA 6

KU LAWURIWA NA KU FUMIWA KA VUTIRHELI BYA MIXAKA YA SWIBAZANA SWA TITHEKISI

Xikombelo hi tlhelo ro kuma mpfumelelo

34. (1) Ku ya hi xiyenge xa 35, a ku na munhu loyi a nga ta sungula vutirheli bya mixaka ya swibazana swa tithikisi kumbe vutirheli bya tithekisi to pimiwa handleka ka loko a ri mukhomi wa mpfumelelo lowu wu nga nyikiwa kumbe ku tekeriwa enhlokweni hi Nawu lowu naswona a va a tsarisile eka Murhejistara.

(2) Xikombelo xa ku nyikiwa, ku pfuxiwa hivuntswha kumbe ku hundzuluxiwa ka mpfumelelo xi fanela ku endliwa eka Bodo hi mukhuva lowu wu nga bohiwa naswona hi ku hakeriwa ka tihakelo leti ti nga bohiwa.

(3) Munhu loyi a navelaka ku hundzisela mpfumelelo u fanela ku endla xikombelo eka Bodo xa ku rhurhisisa sweswo hi mukhuva lowu wu nga bohiwa naswona hi ku tiva loku ku nga tsariwa ka mukhomi wa mpfumelelo leyi ku vulavuriwaka hi yona: Ku ri leswaku i mimpfumelelo leyi yi nga va eku tirhisiweni ku ringana kwalomu ka ntsevu wa tin'wheti ku nga se endliwa xikombelo, leyi yi nga ha rhurhisiwaka.

(4) Swikombelo hinkwaswo leswi swi vuriwaka eka swiyengenyana swa (1), (2) na (3) swi fanela ku katsa nhlamuselo ya xuxokoxoko ya –

(a) patu kumbe netiweke ya mapatu lawa eka wona mukomberi a lavaka ku tirha kona;

(b) tindhawu hinkwato laha vakhandziyi va nga tekiwa kona kumbe ku chichiwa; na

(c) tirhenke na switandi leswi nga ta tirhisiwa.

(5) (a) Mukomberi u fanela ku kombisa eka fomo ya xikombelo loko a tshamile a khomeriwa nandzu wa vugevenga, na ku kombisa hambi yena kumbe nkata wa yena, xirho xa ndyangu xa le kusuhani, nakulorhi wa bindzu kumbe muthorhi, i mutirhi wa ximfumo kumbe mutirhi eka vutirheli bya mfumo wa rixaka kumbe wa xifundzankulu kumbe wa masipala.

(b) Hi xikongomelo xa xiyengenyana lexi "spouse" na "immediate family member" swi fanela ku va ni tinhlamuselo leti swi nga nyikwa tona eka xiyenge xa 3(5)(b).

(6) Hi tlhelweni ra xikombelo xa mpfumelelo wo pfumelela vutirheli bya tithekisi ta swifundzankulu, Bodo yi fanele na yona yi hundzisela eka bodo kumbe nhlangano wun'wana lowu nga ni vutihlamuleri hi ku nyika mimpfumelelo ya vutirheli bya mixaka ya swibazana swa tithekisi kumbe vutirheli bya tithekisi to pimiwa eka xifundzakulu xin'wana na xin'wana lexi xi fammbelanaka na swona leswaku xi ta bumabumela.

(7) Loko ku nga kumeki nhlamulo ku nga si hela 21 wa masiku ku suka eka bodo kumbe nhlangano wun'wana wa xifundznakulu xin'wana tani hilaha swi languteriwaka eka xiyengenyana xa (7), Bodo yi fanele ku yisa mhaka eka Huvo ya Vaahluri yo Apila ya Vutleketli tani hilaha swi vekiweke hakona hi xiynege xa 3 xa Nawu wa Huvo ya Vaahluri yo Apila (Nawu wa 39 wa 1998) tani hi apili: Ku ri leswaku mukomberi u fanele ku humesiwa eka ku hakela hakelo yihi ni yihi hi tlhelo ra apili yo tano.

(8) Loko xikombelo xi endliwile eka xifundzankulu xin'wana xa mpfumelelo wo pfumelela vutirheli bya tithekisi bya swifundzankulu laha vakhandziyi va nga ta va kona, khandziyisiwa na ku chichiwa eka xifundzankulu, naswona xokombelo xo tano xi va xi hundziseriwile eka Bodo leswaku yi ta bumabumela, Bodo yi fanele ku nyika xibumabumelo mayelana na xikombelo xexo eka vandla leri ri nga ni vutihlamuleri eka ku nyika mpfumelelo eka xifundzankulu xin'wana.

Ku ya emahlweni na ku ncinciwa ka mimpfumelelo leyi nga kona

35.(1) Ku ya hi xiyengenyana xa (5), mpfumelelo wihi ni wihi lowu nyikiwa wa nkarhi lowu nga tivekiki na mpfumelelelo wihi ni wihi lowu nyikikwa wa nkarhi wo karhi lowu, eku sunguleni ka ku tirha ka Nawu lowu a wa ha tirha, wu ta tama wa ha tirha nkarhinyana tani hilaha swi nyikiweke hi xiyenge lexi.

(2) Mukhomi wa mpfumelelo wo tano a nga ha wu ncinca wu endla mpfumelelo hi ku landza kavanyisa loku hi ku kombela leswaku wu ncinciwa, hi mukhuva lowu wu nga vekiwa hi Xirho xa Huvonkulu:

(a) hi tlhelo ra mpfumelelo wa nkarhi lowu nga tiviwiki, loko ku nga si fika nkarhi wa ku hela ku tirha lowu nga bohiwa hi Xirho xa Huvonkulu hi xitiviso eka Gazete ya Xifundzankulu;

(b) hi tlhelo ra mpfumelelo wa nkarhi wo karhi, ku nga si fika nkarhi wo karhi kumbe nkarhi lowu languteriwaka eka ndzimana ya (a), ku nga va xihi xi taka ku sungula.

(3) Mpfumelelo lowu nga vuriwa eka xiyengenyana xa (1) wu ta hela-

(a) laha xikombelo xa ku ncinciwa ka wona ku nga endliwangiki tani hiloko swi vuriwa hi xiyengenyana xa (2)

(i) hi tlhelo ra mpfumelo wa nkarhi wo ka wu nga tiviwi, eka ku hela ka nkarhi lowu vuriweke eka ndzimana ya (a) ya siyengenyana xexo;

(ii) hi tlhelo ra mpfumelo wa nkarhi wo karhi, eka ku hela ka nkarhi wo karhi kumbe nkarhi lowu vuriweke eka ndzimana yaleyo, kumbe lexi rhangaka ku ta; kumbe

(b) laha xikombelo xo tano xi nga endliwa, ehenhleni ka ku ncinciwa ka mpfumelelo wo ya eka mpfumelelo lowu nga fanela hi ku landza kavanyisa loku;

(4) Xirho xa Huvonkulu, hi xitiviso eka Gazete ya Xifundzankulu, xi fanele ku boha siku leri ha rona mimpfumelelo hinkwayo yi fanele ku va yi ncinciwa hi swikongomelo swa xiyenge lexi.

(5) Ku ya hi kavanyisa loku, mpfumelelo lowu nga nyikiwa hi phemiti eka mpfumelelo wu nge he pfuxetiwi, ku hundzuluxiwa kumbe hundziseriwa, handle kaloko wu sungule wu ncinciwa wu va mpfumelelo hi ku landza xiyenge xa 37.

Ku hundzuluxiwa ka tiphemiti loku ku nga pfumeleriwiki eka swiyimo swin'wana

36(1) Phemiti yi nga ka yi nga hundzuluxiwi yi va mfumelelo handleka ka loko vutirheli bya vutleketli lebyi yi byi nyikaka matimba byi nyikiwile handleka ko kavanyetiwa ku ringana nkarhi wa kwalomu ka 180 wa masiku ku nga se fika siku leri ha rona xikombelo xi nga endleriwa ku hundzuluxiwa.

(2) Loko ku ri karhi ku langutisiwa xikombelo xa ku hundzuluxiwa ka phemiti ku ya eka mpfumelelo, huvo ya mpumelelo yi nga ha lava mukomberi ku yisa vumbhoni, leswaku leswi swi nga laha henhla swi ta enetisiwa leswaku mukomberi u fikelela swilaveko leswi swi nga vekiwa hi xiyengenyana xa (1).

Mukhuva wo hundzuluxa tiphemiti ti va mimpfumemelelo

37(1) Ku ya hi xiyenge xa 47 hi ku landza swin'wana, mpfumelelo lowu wu nga nyikiwa evutshan'wini bya xikokembelo xo hundzuluxa phemiti yi va mpfumelelo lowu wu vuriwaka eka xiyenge xa 35, wu fanela ku nyika matimba yo fana na wona tani hi lawa a ya vekiwile hi phemiti.

(2) Hi tlhelo ra ku hundzuluxiwa ka phemiti ka vutirheli lebyi byi nga xeduriwa—
(a) leswaku byi nyika matimba ya ku tirha ka vutirheli lebyiya endzeni ka ndhawu yo karhi leyi yi nga hlawuriwa, mpumelelo lowu eka wona phemiti yi nga hundzuluxeriwa wu fanela ku nyika matimba ya ku endliwa ka vutirheli bya vutirheli hi ku landza yin'wa kumbe ku tlula ya tindlela leti ti nga kombisiwa hi vuxokoxoko, naswona wu fanelaku veka nkarhi wa ndlela yoleyo kumbe yin'wana na yin'wana ya kona (tani hilaha mhaka yi nga va yi yimile ka kona);
(b) laha vutirheli lebyiya byi nga nyikiwa hi ku landza kontraka ya nkarhinyana kumbe kontraka leyi yi nga thendariwa ya nkarhi wolowo yi fanela ku kongomisiwa eka kontraka yoleyo.

(3) Hi tlhelo ra ku hundzuluxiwa ka phemiti ya vutirheli lebyi byi nga xeduriwangiki—
(a) (ku nga ri vuirheli bya thekisi yo pimiwa) lebyi byi nyikaka matimba ya vutirheli byebyo endzeni ka ndhawu leyi yi nga hlawuriwa, mpfumelelo lowu eka wona phemiti yoleyo yi nga hundzuluxiwa wu fanela ku nyika

matimba eka ku tirha ka vutirheli hi ku landza ndlela yin'we kumbe ku tlula. Ndlela kumbe tindlela ti fanela ku kongomisiwa hi ku kongomisa hi vuxokoxoko, handleka handle ka le ka swiyimi swihi ni swihi swa leswi landzelaka, swi nga-

(i) loko vutirheli byi—

(aa) phakeriwa eka kumbe ku suka eswitandini laha ku nga riki na mapatu yo hlamuseriwa;

(bb) muphakeri wa vutirheli exikarhi ka ndhawu yo karhi na theminali-nkulu kumbe xiolovisi xo cincacinca;

(cc) nga phakeriwi hi minkarhi ya mogingiriko kumbe byi phakeriwa hi ku heka ka vhiki exikarhi ka ndhawu yo karhi na ndhawu-nkulu ya vakhandziyi tani hi xibedlele kumbe ndhawu yo xava eka yona; kumbe

(ii) swiyimo swihi ni swihi swin'wana leswi huvo ya mimpfumelelo hi swivangelo swo twala yi vonaka ku lulamisa vukongomisi byo ka byi nga ri bya vuxokoxoko bya patu kumbe mapatu;

(b) byi nyikaka matimba ya ntirho endzeni ka ndhawu-xirhendevutana yo karhi, mpfumelelo eka lowu phemiti yi nga hundzuluxiwa-

(i) bbyi fanela ku nyika matimba ya ntirho ya vutirheli byebyo hi ku landza patu rin'we kumbe ku tlula lawa ya faneleke ku kongomisiwa hi vuxokoxoko, ehansi ka ndzimananyana ya (ii);

(ii) byi nga ha, laha xiyimo xihi ni xihi lexi xi nga vuriwa eka ndzimananyana ya (i) kumbe (ii) ya ndzimana ya (a) xi nga kona, nyika maitmba ya ntirho wa vutirheli bya vutleketli endhawini yo karhi leyi yi nga hlamuseriwa hi vuxokoxoko.

(4) Emhakeni ya ku hundzuluxiwa ka phemiti ya vutirheli bya thekisi yo pimiwa, mpfumelelo lowu eka wona phemiti yoleyo yi nga hundzuluxiwa wu fanela ku hlamusela ndhawu yo karhi endzeni ka leyi vakhandziyi va nga ha tekiwaka eku tirheni ka vutirheli byebyo.

(5) Emhakeni ya ku hundzuluxiwa ka phemiti ya vutirheli bya mpfhuka wo leha, mpfumelelo lowu eka wona phemiti yoleyo yi nga hundzuluxiwa wu fanela ku kongomisa patu kumbe mapatu, tirhenke kumbe titheminali ta ku teka kona na ku chicha vakahndziyi na tindhawu tihi ni tihi tin'wana ku lulama na patu kumbe mapatu laha vakhandziyi va ma ha tekiwaka kona kumbe ku chichiwa.

(6) Handleka ka laha swi nga ri ki kahle, mpfumelelo lowu eka wona phemiti yi nga hundzuluxeriwa hi ku landza xiyenge lexi wu fanela ku takiwa na ku fundzhiwa ku endlela swikongomelo hinkwaswo tani hi mpfumelelo lowu wu nga nyikiwa na humesiwa hi ku landza Kavanyisa loku.

(7) Phemiti ya vutleketli bya vanhu eka ndhawu-xirhendevutana kumbe ndhawu yi fanela ku hundzuluxeriwa eka mpfumelelo ya vutleketli bya vanhu eka patu kumbe mapatu yo karhi, yo kongomisa kumbe laha swi endlekaka, ndhawu yo karhi, yo kongomisa.

(8) Handle ka laha phemiti leyi yi fanelaka ku hundzuluxiwa yi nyika matimba hi nkarhi wolowo eka vutirheli bya vutleketli bya vanhu eka patu kumbe mapatu yo karhi, huvo ya tiphemiti yi fanela ku kombela vulawuri hibyin'we hi byin'we byo pulana lebyi endhawini ya byona vutirheli byi endliwaka eka yona ku endla vuyimeri byihi ni byihi na swibumabumelo leswi yi vonaka swi fanerile hi mayelana na patu kumbe mapatu, kumbe, laha swi endlekaka, ndhawu leyi yi fanelaka ku kongomisiwa eka mpfumelelo lowu eka wona phemiti yoleyo yi fanelaka ku hundzuluxeriwa.

(9) Tiphemiti ta vutirheli byo ka byi nga xeduriwanga lebyi byi endliwaka hi tigolonyi leti ti nga ni vukulu bya vutshamo bya le hansi ka vanhu va kaye, ku katsa na muchayeri, ti nga ha hundzuluxeriwa eka mimpfumelelo ya vutirheli bya swibazana swa tithekisi lebyi byi endliwaka hi tigolonyi leti ti nga ni vukulu bya vutshamo bya vanhu va 16, ku katsa na muchayeri, hi ku landza mfumelelo wun'we ku tirhela ka tiphemiti timbirhi: ku ri leswaku mpfumelelo lowu wu fanela ku va wa nkarhi wo tshamisa sweswo wo ka wu nga hundzi malembe ya ntlhanu; kumbe

(10) Phemiti leyi yi nga hundzuluxiwa hi ku landza xiyenge lexi yi nga ka yi nga nyiketiwi eka munhu tani hi muhlawuriwa wa munhu un'wana.

(11) Hambiswiritano, a ku na nndziriso lowu wu nga ta nyikiwa eka mukhomi wa mpfumelelo laha, tani hi hakelo ya kona ya ku hundzuluxiwa hi ku landza xiyenge lexi, matimba lawa ya nga vekiwa hi mfumelelo lowu eka wona phemiti yi nga hundzuluxeriwa wu ri wuntsongo eka lowu wu nga vekiwa hi phemiti naswona wu hetelele eka ku hungutiwa ka mintirho mutirhi wa swona ya vutleketli leyi yi nga nyikiwa.

Mintshunxeko

38. Hi swikongomelo swa Nawu lowu, ku fambisiwa ka vanhu loku ku vuriwaka eka nhlamuselo ya "public transport service" swi fanela ku ka swi nga katsi leswi swi landzelaka, ku nga –

(a) ku fambisiwa ka n'wamapurasi un'we lloyi a tshamaka eRhiphabliki (ku katsa na vunakulorhi kumbe khamphani leyi yi yisaka emahlweni mintirho ya vurimi) hi ku tirhisa golonyi leyi hi nawu yi nga pfumeleriwa ku rhwala vakhandziyi naswona a ri yena n'wini wa yona, wa vatirhi va purasi va purasi ro tano ra yena –

(i) ku suka endhawini leyi va nga khutaziwa va ri kona ku ya endhawini leyi va nga twanana ku yisiwa kona naswona laha va lavekaka kona eka mintirho ya vurimi;

(ii) ku suka endhawini laha va nga kumbe va nga thoriwa kona eka mintirho ya purasi ra yena ku ya eka ndhawu yin'wana laha va nga laveriwaka mintirho ya vurimi kumbe laha n'wamupurasi un'wana a nga va lava kona

eka mintirho ya vurimi, kumbe ku ya endhawini laha va nga joyina kona;

(iii) exikarhi ka ndhawu leyi a va ri kona kumbe va nga ta thoriwa kona na ndhawu leyi yi nga kahle swinene eka vona kuri va nga fambisiwa ku ya endhawini yin'wana laha va nga yisiwa kona hi vutleketli va mani na mani kumbe ku ya endhawini leyi va nga thoriwa kona;

(iv) exikarhi ka ndhawu leyi va nga thorisiwa sweswo na ndhawu yin'wana enndzeni ka Riphabliki ku xava kumbe ku nghenela ntirho wa kereke kumbe nkosi kumbe ku endlela swikongomelo swa mintlangu kumbe nhlengeletano wa mpfuxelelo; kumbe

(v) exkarhi ka ndhawu laha va nga khutaziwa na ndhawu leyi nga kahle swinene eka vona ku yisiwa endhawini yin'wana laha va nga ta yisiwa kona hi vutleketli bya mani na mani,

na ku endlela swikongomelo swa ndzimana leyi va tirhi lava va nga thoriwa hi nhlangano lowu wu nga tsarisiwa ehansi ka nawu lowu wu fambelanaka na mavandla, lowu n'wamurimi a nga xirho, kumbe swibocho tani hilaha swi nga hlamuseriwa ha kona eka xiyenge xa 1 xa Nawu wa Vutirheli bya Vuololoxi, wa 1959 (Nawu wa 8 wa 1959), lava va nga kumbe a va ri kumbe va nga ta thorowa hi n'wamurimi emintirhweni ya vurimi, va ta fanela ku tekiwa va ri vatirhi va purasi ra n'wamapurasi wo tano;

(b) ku fambisiwa hi masipala hi ku tirhisa golonyi leyi yi nga enawini ku rhwala vakhandziyi, naswona loyi a nga n'wini, wa vathoriwa va yena ku suka endhawini laha va tirhaka ntirho hi nkarhi wa bindzu ra yona ku ya endhawini yin'wana laha va nga ta tirha ntirho;

(c) ku yisa, hi ku tirhisa ambulense tani hilaha swi nag hlamuseriwa ha kona eka Nawu wa Swalemagondweni, wa 1989, ka muvabyi, na munhu loyi hlayisaka muvabyi luya, ku ya endhawini laha a nga ta kuma ku tshunguriwa ku suka eka munhu loyi a nga nyikiwa matimba ya kiu fambisa vutshunguri byo tano hi ku landza nawu lowu wu fambelanaka na phurofexini ya vutshunguri, kumbe ku suka endhawini laha a nga kuma vutshunguri byo tano;

(d) ku fambisiwa hi movha ka vanhu lava a va famba hi movha lowu wu nga onhaka va nga fiki laha a va ya kona handlekaloko ku fambisiwa ka vanhu valavo hi movha walowo loko wu onhaka leswi laha va nga tirhisa swo famba swa mani na mani, ku fambisiwa ko tano swi pfumeleriwile hi phemiti, naswona ku fambisiwa ka vona hi movha wo sungula swi ta endliwa hi ku landza makungu ya phemiti na swona phemiti yo tano yi khomiwa eka movha lowu wu vuriweke leswaku yi

ta humesiwa loko yi laviwa hi mutirhi wihi ni wihi loyi a pfumeleriwaka;

(e) ku fambisiwa ka munhu wihi ni wihi tani hileswi swi languteriweke eka hlamuselo ya "klilabu ya ku khandziyisa" ya le ka xiyenge xa 1 eka Nawu wa Nkwama wa Mali wa Tinghozi ta le Mapatwini 1996 (Nawu wa No 56 wa 1996);

(f) ku fambisiwa ka vanhu lava va endlaka bindzu, nxaviso kumbe bindzu ra vatirhi va yena ku suka eka ndhawu leyi va endlaka ntirho lowu eka yona hi nkarhi wa bindzu, nxaviso kumbe bindzu va yisiwa eka ndhawu yin'wani leyi va endlaka ntirho hi movha lowu a nga n'winyi wa wona;

(g) ku fambisiwa hi mayelana ni ku endla mintirho ya yena hi muthoriwa wa mfumo wa tiko hinkwaro kumbe wa xifundzankulu kumbe **body** leyi yi hakeriwaka hi mfumo kumbe khamphani leyi mfuma wa tiko kumbe wa xifundzankulu wu nga xirho wu ri woxe wu tlhela wu va ni xere kumbe masipala hi movha loyi muthoriwa yaloye a nga n'winyi na ku va wu tirhisiwa hi yena ku endla mintirho yaleyo ya munhu hi ku landza ku fambisiwa leswaku muthoriwa a fanele a kuma hakelo yo suka eka mfumo wa tiko hinkwaro kumbe wa xifundzankulu nhlangano lowu wu hakeriwaka hi mfumo kumbe khamphani kumbe masipala.

(h) ku fambisiwa ka vana va xikolo na mathicara hi xikongomelo xa mintlangu kumbe migingiriko kumbe holideyi, ku ya vona ndhawu kumbe rendzo-dyondzo hi movha lowu xikolo xexo xi nga n'winyi hi ku ya hi ntwanano wu vekeriwile etlhelo leswaku wu ta tirhisiwa hi swikongomelo sweswo;

(i) ku fambisiwa ka vana va xikolo na mathicara hi masiku ya xikolo ku ya na ku vuya exikolweni lexi va nghenaka kona hi movha lowu xikolo xi nga n'winyi kumbe lexi hi ku ya hi ntwanano wu vekeriweke ku

tirhisiwa hi xikongomelo xexo: Kuri leaswaku Xirho xa Huvonkulu xi nga herisa mpfuemelelo eka *Gazete ya Xifundzankulu*;

(j) ku tirhisiwa hi yunivhesithi, thekinikoni, kholichi ya swa mavoko kumbe kholichi yo letela mathicara leti laha endzhaku ti vuriwaka mavandla ya dyondzo)ya swichudeni swa wona na xitafu hi xikongomelo xa swa dyondzo,ndhavuko na mintlangu hi ku tihisa movha lowu xivandla xexo xa dyondzo lexi hi ku landza ntwanano wu nga vekeriwa ku tirhiseriwa swa dyondzo hi swikongomelo leswi: Kuri leaswaku eka mhaka yaleyo ya kufambisa hi ku tirhisa movha wu tirhisiwa hi ku landza ntwanano, tsalwa ri fanele ri khomiwa hi mutirhi loyi a pfumeleriwaka wa xivandla xexo xa dyondzoku tiyisisa leswaku vakhandziyi i swichudeni leswi swi tsariseke, kumbe vatirhi lava va tirhaka eka vandla rero ra dyondzo;

(k) ku fambisiwa ka hakelo hi munhu loyi a faneleke a ya endhawini leyi a nga ta mbhoni ya nanadzu wa vugevenga eka munhu wun'wana loyi a faneleke a va mbhoni eka kheyisi yaleyo kumbe eka kheyisi yihi ni yihi ya vugevenga ku nga va ku rindhawu yin'we hi siku rin'we kumbe eka ndhawu yin'wani hi siku rin'wana, ku ya ni ku vuya eka ndhawu leyi munhu loyi a a yisiwaka a faneleke ku ya kona hi ku tirhisa movha wa munhu loyi a vuriweke ku sungula a nga n'winyi;

(l) ku nyiiwa hakelo hi munhu loyi a faneleke a ku ya hi siku ra ku nyika vumbhoni emahlweni ka khomixini hi ku landza makungu ya Nawu wa Tikhomixini, 1974(Nawu wa 8 wa 1947) kumbe Nawu wa Tikhomixini, 19549(Nawu wa 5 wa 1954), ku bohiwile ku va wu tirha kumbe emahleni ka nhlangano lowu wu tumbuluxiweke ehansi ka nawu hi ku ya hi leswi nhlangano walowo wu nyikiwile matimba ya ku vitana vanhu vata emahlweni ka yona ku nyika vumbhoni, kumbe ku ya kumbe ku vuya eka ndhawu leyi vanhu van'wani va nga vitaniwa, eka munhu wun'wani loyi anga vitaniwa ku va a va emahlweni ka ka khomixini yo tano kumbe nhlangano ku ta va ta nyika vumbhoni hi

siku rero hi nkarhi wolowo hi ku hi movha lowu munhu loyi a vuriweke a nga n'winyi;

(m) ku fambisiwa ka munhu loyi a faneleke a yisiwa hi mayelana ni ku fambisiwa ka vanhu lava hi ku landza ndzimana leyi hundzeke va nga ri ki na xo famba; kumbe

(n) ku fambisiwa ka vanhu hi ntirho wa ku tsakela.

Ku herisiwa ka xikongomelo hi tlhelo ra mpfumelelo

39. (1) Ku ya hi makungu ya Nawu lowu Bodo, yi fanele yi amukela ni ku langutisisa xikombelo xihi ni xihi xa ku nyika ku pfuxeta, hundzuluxa kumbe ku transifera phemiti leyi yi endleriwaka yona naswona endzhaku hi ku vona ka yona yi nga nyika xikombelo hi ku hetiseka kumbe hi xiphemu hi ku ya hi swiyimo leswi yi nga swi vonaka swi fanerile, kumbe yi ala xikombelo

(2) (a) Loko ku nga si amukeriwa xikombelo xihi ni xihi ehansi ka xiyengenyana xa (1), Bodo yi fanele yi kongomisa xikombelo xo tano eka masipala loyi a faneleke ku nyika swibumabumelo.

(b) Masipala lowu xikombelo xi nga kongomisiwa eka wona wu fanele wu tsundzuxana ni foramu ya swofamba swa ndhawu kumbe loko ku nga ri ni foramu ya swofamba ya ndhawu leyi hanyaka, nhlangano lowu wu fanelaka na tikomiti ta vufambisi bya swofamba leti ti hlanganaka va nga se yisa swibumabumelo eka Bodo.

(c) Loko masipala wu tsandzeka ku yisa swibumabumelo swa wona eka Bodo ku nga si hela nkarhi wo ringana masiku ya 30 endzhaku ka kaloko rhasiti ra xikombelo kumbe hi nkarhi wolowo tani hileswi Bodo yi nga wu pfumelelaka, xikombelo xi nga tirhiwa na ku va xi hetisiwa ku nga ri ni swibumabumelo swo tano.

(3) Bodo yi fanele yi tirhisana na Murhejistrara ku tiyisisa leswaka mahungu lawa ya nyikiweki hi muendli wa xikombelo i ntiyiso naswona swa fambisana ni mahungu lawa rhejistrara a nga na wona loko ya ri kona.

(4) Bodo yi humesa phemiti hi ku ya hi mpfhuku, naswona tiphemiti ta tindhawu ti nga humesiwa ntsena loko eka mhaka ya-

(a) vutirheli bya muxaka swibazana swa tithekisi kumbe tithekisi ta mitara swi nga tirhisiwa eka tindhawu leti ti nga hava mapatu;

(b) vutirheli bya swofamba swo ka swi nga nyawuli exikarhi ka ndhawu leyi vuriweke na ndlela leyi yi tirhisiwaka kumbe xiolovisi xa ku hundzuluxa;

(c) vutirheli bya loko ku chayisiwile kumbe emaheleni ya vhik exikarhi ka ndhawu leyi vuriweke na xivitanisi xa vakhandziyi ku fana ni xibedlhel kumbe ndhawu ya mavhengele.

(5) Handle ka le ka swiyimo leswi swi vuriweke eka xiyengenyana xa (4) (a), (b), na (c) Bodo yi nge nyiki mpfumelelo lowu mpfumelelaka ku fambisiwa eka ndhawu kumbe eka mpfhuka wa ndhawu yo karhi handlekaloko mpfumelelo wu nyikiwile patu kmbe mpfumelelo lowu wu kongomisiweke eka mapatu.

(6) Phemiti leyi yi hambanaka yi fanele yi nyikiwa eka movha wun'wana ni wun'wana.

(7) (a) A ku na transifere ya movha hi ku ya hi phemiti lowu wu pfumeleriwaka hi tinhweti ta ntsevu ta ku humesa phemiti handlekaloko mukhomi a kombisa xivangelo xo twala xa ku transifere yi pfumeleriwa.

(b) Hi xikongomelo xa xiyengenyana lexi "xivangelo xo twala" xi ta katsa kumbe xi nge arisiwi eka mhaka ya leswaku movha yiviwile kumbe onhiwile.

(8) Bodo yi nga ha ala ku teka xikombelo xa ku nyikiwa phemiti, hundzuluxa kumbe transifera phemiti lexi xi endliweke hi munhu wihi ni wihi, lokoku ri leswaku xikombelo lexi xi hundzeke lexi hi ku ya ka Bodo xi nga ni swilo swo fana na lexi xo sungula, xi kambisisiwile na ku ariwa hi Bodo hi nkarhi wo ringana tinhweti ta ntsevu endzhaku ka siku leri xikombelo lexi vuriweke xo sungula xi amukeriwile eka hofisi ya Bodo.

(9) Bodo yi fanele yi ala ku amukela xikombelo xa ku nyikiwa, pfuxeta kumbe ku transifera phemiti loko leswi swi landzelaka hinkwaswo swi hambana ni xikombelo:

(a) masipala loyi a faneleke
(b) forama ya swofamba leyi yi faneleke
(c) minhlangano leyi yi faneleke
(d) tikomitita vufambisi leti hlanganeke ta swa mapatu leti ti faneleke

(10) Bodo yi fanele yi boha tirhenke, switandi na swiolovisi swin'wani ni swin'wani leswi mukomberi a nga swi tirhisaka leswi swi kongomisiweke eka swibumabumelo swa masipala lowu faneleke na ku swi kombisa eka mpfumelelo.

(11) A ku ni mpfumelelo leyi yi nga ta nyikiwa eka mukomberi handlekaloko a ri xirho xa nhlangano lowu wu rhejistariweke hi Murhejistrara ehansi ka xiyenge xa 29 naswona mukomberi u seketeriwa hi kutsalani nhlangano kumbe rhjistrara a tiyisisa hi ku tsala leswaku mukomberi wa fikelela tani hi xirho lexi xi rhejistaraka xi nga ri xirho ehansi ka xiyenge xexo naswona u endlile xa ku rhejistara ko tano.

(12) Bodo yi nge nyiki phemiti eka munhu loyi a nga khomeriwa milandzu leyi vuriwaka.

(13) Mpfumelelo wa vutirheli bya tithekisi ya mitara yi nga-

(a) pfumelela movha leswaku wu suka eka ndhawu leyi yi vuriwaka, loko ku ri leswaku eka rendzo ro vuya wu ta vuya wuri na vakhandziyi valavo a yi ri ni vona eka renzo ro ya kumbe movha wu vuya wu nga ri ni munhu;

(b) pfumelela mukhomi ku tirha eka rendzo hi mali leyi yi nga bohiweki hi mitara ya movha loko ku ri ku mali ya rendzo yi bohiwa loko rendzo ri nga si sungula.

Ku pfariwa ka mimovha

40. (1) Xikombelo xa ku hundzuluxa phemiti ku pfala movha lowu kombisiweke eka phemiti hi movha wunwani lowu wu ringanaka ni wona wu nga, hi ku landza xiyenge xa 3a, wu nga nyikiwa hi mutirhi wa Bodo leyi yi vumbiweke hi xikongomelo lexi hi mutshamaxitulu, ku nga ri ni ku hundzuluxa swiyimo wsin'wani kumbe swilaveko swa phemiti.

(2) Xiyengenyana xa (1) xi nge tirhi eka swikombelo swa ku pfala mimovha leyi yi nga ni ndhawu yo tshama leyi yi hambanaka, leyi yi nga nyikiwaka ntsena loko tindhawu to tshama leti faneleke ti lulamiseka hi ku landza tipulani ta vakhandziyi leti ti pfumeleriwaka leti ti faneleke kumbe swilaveko leswi swi vekiweke.

Ku hangalasiwa ka xikongomelo na vuyimeri hi ku landza mpfumelelo

41. (1) Loko Bodo yi amukela xikongomelo lexi xi vuriweke eka xiyenge xa 40(1), xi –

(a) fanele eka mhaka ya xikombelo xa ku nyika kumbe ku hundzuluxa (handle ka ku hundzuluxiwa loku ku vuriweke eka ndzimana ya (b) ya mpfumelelo;

(b) yi nga eka mhaka ya xikombelo xo humdzuluxa phemiti na ku pfumelelaku ncinciwa ka nkarhi hinkwawo ka movha lowu ku wu ringanaka ni wona hi ndhawu yo tshama kumbe wu ri wu ntsongo kumbe wu hundzalowu wu vuriweke wo sungula hi tiphesente leti ti nga hundzeki 20, kumbe eka mhaka ya ku hundzisela mpfumelelo;

ku hangalasiwa eka Gazete ya Xifundzankulu na leka phephahungu rin'we leri ri rhendzelekaka eka ndhawu yin'wani ni yinwani leyi vakhandziyi va nga ta tekiwa na ku chichiwa kona, swivaleko leswi swi vuriweke swa swikongomelo na hi ndlela leyi yi vuriweke swa xikombelo na hi ndlela leyi yi vuriweke, veka xitiviso xa xikombelo eka bodo ya switiviso eka tihofiso ta Bodo..

(2) Xirho xa Huvonkulu xi nga boha ndlela leyi hi yona na nkarhi eka wona minhlangano leyi yi nga ni ku tsakela va nga nyika mavonelo eka kumbe swiyimeri leswi swi katsaka swikombelo leswi swi humesiwaka ehansi ka xiyengenyana xa (1)

(3) Makungu ya xiyenge lexi ya nge tirhi eka tirhisiwa ka ku nyika phemiti loku ku endliweke hi ku landza endlelo leri ri vekiweke.

Timhaka leti ti fanele ti tekeriwa enhlokweni eku tirhiseni ka xikombelo hi tlhelo ra mpfumelelo.

(42) (1) Hi ku engetela mahungu man'wani lama ya faneleka ya Nawu lowu, Bodo yi fanele yi tekela enhlokweni tifactors leti ti landzelaka eka tu boha ku xikombelo xi fanele xi amukeriwa kumbe xi ariwa na leka ku boha swiyimo (loko swi ri kona) leswi pfumelelo yi nga ta swi endla ku swi ya hi:

(a) makungu ya tipulani ta vakhandziyi leti ti tirhaka;

(b) swibumabumelo swo huma eka timasipala leti ti faneleke tiforamu ta swofamba, minhlangano na tikomiti ta vufambisi bya le mafatwini lebyi hlanganeke;

(c) ku kaneta kwihi ni kwihi eka kumbe vuyimeri lebyi khumbhaka xikombelo lexi xi kumineke;

(d) xiyimo lexi xo famba xi fanelaka kumbe xi lavekaka hi ntsakelo wa vanhu;

(e) swilaveko swa vanhu swa swofamba tindleleni leti mukomberi a kombelaka ku ti tirhisa, kumbe eka ndhawu leyi mukomberi a lavaka ku yi tirhisa;

(f) swilaveko swa swofamba leswi swi nga kona leswi tirhisiwaka hi tiko emapatwini kumbe exikarhi ka tipayinti kumbe eka ndhawu;

(g) ku tirhisiwa ka swofamba swa minxaka hinkwayo ni hi tindlela hinkwato hi ndlela ya ikhonomi yo twisiseka na hi ku ya hi ku tsakela ka vanhu;

(h) vuswikoti bya mukomberi bya ku endla mintirho;

(i) ku khomiwa kwihi ni kwihi loku ku faneleke ka mukomberi eka milandzu;

(j) ku hanya ka nawu, xinawani, yiriso, mpimo kumbe nkariso lowu wu faneleke eka swofamba leswi swi viriweke;

(k) nchumu wihi ni wihi wunwani lowu hi mavanelo ya Bodo wu nga fanela eka xivutiso xa ku xikombelo xi fanele xi nyikiwa kumbe I swiyimo swihi leswi swi nga vekiwaka eka mpfumelelo.

(2) Rito vuswikoti' eka xiyengenyana xa (1) ri ta katsa kambe ri nge pimiwi hi vuswikoti bya mukomberi ku nyika mintirho leyi yi bohiweke hi ndlela leyi nga kahle.

Vutirheli bya swibazana bya Swifundzankulu.

43. (1) Laha munhu a navelaka ku endla vutirhi bya swibazana swa xifundzankulu hinkwaxo u fanele a endla xikombelo eka Bodo ya phemiti loko movha lowu mintirho ti nga ta endliwa wu kumbe wu ta rhegistariwa eka xifundzankulu.

(2) Bodo yi nge nyiki xikombelo xa phemiti leyi pfumelelaka vutirheli bya swibazana swa xifundzankulu hinkwaxo, kumbe ku pfuxeta kumbe ku hundzisela mpfumelelo wo tano, kumbe ku hundzuluxa mpfumelelo lowu khumbhaka vutirheli bya swofamba swa tiko eka xifundzankulu xinwana handle ka ntwanano wa Bodo kumbe nhlangano lowu wu tivanaka na ku nyika mpfumelelo eka xifundzankulu xin'wana.

3. Laha Bodo ye nga koteki ku kunu ntwanano wa bodo yo tano kumbe nhlangano wunwana eka nkarhi wolowo, Bodo yiyisa mhaka tani hi kapili eka Huwo ya vuahluri yo Apila ya swo famba ya Xifundzankulu yo Apila ya Swofamba ya Xifundzankulu, 1998.

4. Tiapili leti ti khumbhaka vutirheli bya swibazana bya Xifundzankulu hinkwaxo ti fanele ti endliwa eka Huvo yo Apila ya Swofamba hi ku ya hi Nawu wa Huvo ya Vuahluri yo Apila ya Swofamba, 1998.

5. Eka mhaka ya vutirheli bya swibazani bya Xifundzankulu hinkwaxo, vakhandziyi va nge khandziyisiwi kumbe ku chichiwa handle ka le tindhawini leti va sukaka eka tona na ku ya eka tona: Ku ri leswaku loko ku nga ri na vutirheli byin'wana ka laha va humaka kumbe laha va ya ka kona naswona ndhawu ya ku chichiwa kambe ku tekiwa, kumbe minhlangano leyi yi faneleke leyi tirhaka eka tindlela va twanana leswaku vakhandziyi va ta khandziyisiwa kumbe ku chichiwa.

Vutirheti bya swibazana swa misava hinkwayo

44. Xikambelo mpfumelelo xa leyi yi pfumelelaka vutirheli bya swibazana swa misava hinkwayo yi fanele yi endliwa eka Komiti ya Vulawuri hi ku landza Nawu wa Mapatu wa ku Tsemekanya Ndzilekano, 1998 (Nawu wa 4 wa 1998) naswana tiapili titu ni tihi leti ti nga ni vuxaka na wona ti fanele ti tirhiwa hi ku landza nawu wolowo.

Vutirheli bya vaendzi

44. (1) Xirho xa Huvonkulu xi nga ha endla swinawana leswi swi nyikaka swilavelo swo hlawuleka hi ku landza swikombelo swa tiphemiti ki mayelana na vutirheli bya vaendzi kumbe mimovha kumbe vachayeri lava va tirhisiwaka eka ntirho wo tano, hi ku engetela eka kumbe eka leswi swi nyikiweke hi Nawu lowu.

(2) Swinawana leswi swi vuriweke eka xiyengenyana xa (1) swi nga ha lava leswaku swibumabumelo swi kumiwa eka Bodo ya Nxaviso ya Swamaendzo ya Xifundzankulu xa N'walungu, ku nga se tekiwa swikombelo swa tiphemiti leswi swi pfumelelaka vutirheli bya vumpfhumba.

Nkarhi lowu mpfumelelo wu tirhaka hi wona

46. (1) Nkarhi lowu mpfumelelo yi tirhaka hi wona leyi yi humesiweke hi ku landza Nawu wu fanele ku va tani hilaha wu vekiweke.

(2) Loko nkarhi lowu wu vekiweke wa mpfumelelo wu hela naswona xikombelo xa ku pfuxeta xi nga se hlamuriwa hi Bodo, mpfumelelo wu ta ya emahlweni wu tirha ku kondza xikombelo xi tirhiwa.

Ku humesiwa ka mimpfumelelo na makungu ya kona

47. (1) Hi ku ya hi xiyengenyana xa (2), Bodo yi ta humesa hi ndlela leyi yi vekiweke mpfumelelo lowu yi nyikiweke, pfuxetiweke, hundzuluxiweke kumbe hundziseriweke hi yona.

(2) Bodo yi nge humesi phemiti handlekaloko

(a) yi enetisekile leswaku movha wun'wana ni wun'wana lowu pfumelelo wu tirhala yi fanerile eka muxaka wa xofamba lexi wu nga ta tirhisiwa;

(b) hi ku ya hi movha wun'wana ni wunwana setifikheti leyi tirhaka ya vukahle setifikheti ya ku fanela ka va epatwini yi humesiwile ehansi ka nawu mayelana ni ku layisensiwa na ku rhejistariwa ka mimovha eka Xifundzankulu, eka kumbe endzhaku ka siku leri ri bohiweke hi xinawana, swi yisiwile eka xona; na

(c) mukomberi u rhejistariwile na rhejistrara kumbe u endlile xikombelo xa ku tsarisa

(3) Loko enkarhini wa mpfumelelo ya sweswi, setifikheti ya vukahle kumbe setifikheti ya ku va epatiwini ya movha lowu pfumelelo wu tirhaka yi sungula ku ka wu nga ha tirhi hi xivangelo xihi ni xihi, pfumelelo hi vu wona xi nge tirhi naswona mukhomi u fanele a yi naswona mimfungho hinkwayo yo hambana leyi tirhaka eka Bodo eka ku vekiwa kahle hi ku nga si hela 14 wa masiku ku suka eka siku leri pfumelelo lowu khumbhekaka wu sunguleke ku ka wu nga ha tirhi.

(4) Mpfumelelo wihi ni wihi lowu wu humesiweke hi ku landza xiyenge lexi wu fanele wu kombisa leswi swi landzelaka, swi hlayeka hi ndlela leyi -

(a) vito na adirese ya mukhomi;

(b) nomboro ya vakandziyi lava va nga khandziya movha lava va khumbhekaka hi ku ya hi setifikheti lexi xi faneleke xa vukahle ku setifikheti xa ku fanele ku va epatwini: Ku ri leswaku nomboro ya vakhandziyi leyi yi lavekaka leyi yi pfumeleriweke hi Bodo yi nga hundziwi;

(c) nomboro yo tsarisa, xivumbeko, nomboro yo kombisa movha, lembe leri wu endliweke hi rona, muxaka, switulu swa vakhandziyi kumbe vundzeni byo tshama bya movha hi tlhelo ra hi laha yi humesiweke ha kona;

(d) ndlela kumbe nkatsakanyo wa tindlela lawa kumbe ndhawu kumbe tindhawu leti vutirheli lebyi byi faneleke byi nga endliwa na tindhawu leti va sukaka eka tona na laha va yaka kona, tindwawu hinkwato leti vakhandziyi va tekiwaka kona kumbe ka chichiwa na tirhenke, switandzi na swiolovisi swinwani swi nga tirhisiwa;

(e) xiyimo xihi ni xihi lexi Bodo yi nga xi vekeka hi vonelo ra yona.

5. Xikan'we ni pfumelelo wun'wana ni wun'wana lowu humesaka kumbe wu ncincaka Bodo yi ta humesa xikombiso xo hambana kumbe swikombisa hi xivumbeko na ndlela leyi yi bohiweke hi Bodo.

Rhekodo ya mimpfumelelo

48. Bodo yi fanele -

(a) yi hlayisa eka endhawu ya bindzu ra yona khopi ya pfumelelo wunwani ni wun'wana lowu humesiwaka hi ku landza Nawu lowu na ya ku hundzuluxiwa kwihi ni kwihi loku ku endliwaka eka pfumelelo;

(b) yi nghenisa swilaveko leswi swi hlamuriweke mayelana ni pfumelelo to tano, mukhomi wa pfumelelo na movha lowu wu faneleke hi mahungu tani hi leswi ya vekiweke;

(c) yi pfumelela munhu wihi ni wihi loyi a khumbhekaka hi fpumelelo yo tano kumbe hundzuluxo ku yi langutisisa, naswona hi xikombelo xa munhu wo tano yi fanele yi n'wi nyika khopi ya pfumelelo lowu khumbhekaka na hundzuluxo wun'wana ni wun'wana eka hakelo leyi yi vekiweke.

Ku siviwa ka xinkarhana eka movha lowu mpfumelelo wu yelanaka

49. (1) Laha movha lowu pfumelelo wu yelanaka wu nga ha tirhi kumbe, hikwalaho ka nghozi, wu humesiwile swa nkarhanyana eka ntirho, Bodo kumbe xirho lexi xi vekiweke hi mutshama xitulu wa Bodo hi xikongomelo xexo hi ku ya hi swiyengenya swa xexo hi ka ya hi swiyengenyana swa (2) na (3) swi ta nyikiwa mpfumelelo wo tsariwa leswaka movha wun'wana ni wun'wana wu nga tirhisiwa hi mukhomi wa pfumelelo eka ndhawu wa movha lowu wo vuriweke ro sungula.

(2) Ndhawu yo tshama ya movha lowu wu pfariweke yi fanele yi ringana ni kumbe yi va yi ntsongo kumbe yi nga tluli hi tiphesente ta 20 leti yelanaka na mpfumelelo.

(3) Ku siviwa ka movha ku nga tirhisiwa eka nkarhi lowu wu nga hundzeki masika ya 42 tani hileswi Bodo kumbe xirho lexi xi khumbhekaka xi nga bohaka.

(4) Ku siviwa ka movha ku fanele hi nkarhi lowu vuriwaka eka xiyengenyana xa (3), hi xikongomelo xa Nawu lowu tekiwa ku ri movha lowu pfumelelo lowu vuriwaka wu yelanaka.

Vulawuri byo engetela lebyi nyikiwaka hi mpfumelelo

50. Mpfumelelo wu fanele, hi ku engetela eka swofamba loku ku humesiwaka hi yona, yi nga tlhela yi pfumelela ku fambisiwa ka munhu loyi a faneleke hi mayelana ku fambisiwa ko tano loku ku pfumeleriwaka.

Timfanelo ta mukhomi wa mpfumelelo

51. (1) Mukhomi wa mpfumelelo u fanele a -

(a) fambisa ntirho lowu wu pfumeleriwaka hi mpfumelelo hi ku fundza pulani ya mukhandziyi leyi yi tirhaka ni swiyimo swa pfumelelo;

(b) khoma mpfumelelo kumbe mpfumelelo wo tsariwa lowu vuriweke eka xiyenge xa 49 na setifikheti yo rhejistara ya mukhomi leyi yihumesiwaka ehansi ka xiyenge xa 29 eka movha lowu eka wona swi yelanaka na ku va humesiwa loko yi laviwa hi mutirhela-tiko loyi a pfumeleriwaka;

(c) hlayisa mpfumelelo na swikombelo swo hambana leswi ku kongomisiweke eka swona, eka xiyimo xexo lexi mapapila na nhlayo eka swona swa vonaka naswona loko mpfumelelo wu onhakile kumbe yi yima ku tirha yi fanele yi endla xikombelo xa dupulikheti hi mukhuva lowu yi vekiweke.

(d) lava leswaku vito, adirese na muxaka wa bindzu ra mukhomi swi vekiwa eka ndhawu yo vonaka eka movha lowu mpfumelelo wu yelanaka, hi ndlela yinwana leyi Bodo yi nga pfumelaka hi ku tsala eka mhaka yo tano;

(e) kuma swilaveko swinwana leswi swi bohiwaka hi Bodo kumbe tani hi leswi swi vekiweke;

(f) tsala na ku veka leswi tsariweke hi mukhuva lowu vekiweke, mimfungho yo hambana hinkwayo leswi swi humesiwaka hi ku landza Nawu lowu eka movha lowu wu tirhisiwaka hi ku landza mpfumelelo;

(g) endla xikombelo hi nkarhi xa ku pfuxeta mpfumelelo;

(h) vona leswaka vuxokoxoko hinkwabyo lebyi byi nga kona eka mpfumelelo byi hetisekile hi ku swikombelo leswi swi nga fanela swa ku hundzuluxa;

(i) yisa eka Bodo hi nhweti yinwe ya ku hela setifikheti ya lembe ya vukahle kumbe setifikheti ya ku fanela epatwini, setifikheti yintshwa ya movha lowu mpfumelelo yi kongomisiwaka;

(j) tlhelela eka Bodo ku ya khansela mpfumelelo hi ku landza movha lowu wu nga ha tirhisiweki hi mokhomi.

(2) Mpfumelelo leyi yi humesiweke enhansi ka Nawu lowu-

(a) wu nge pfumeleli mukhomi to endla ntirho wa swofamba swa tiko eka ndhawu ya nawu wa masipala loko ku ri leswaka a swi fanelang. Ku endla tano enhansi ka nawu wihi ni wihi lowu wu tirhaka eka ndhawu yaleyo.

(b) yi nge pfumeleli mukhomi eka nawu ku landzelela swilaveko leswi swi vekiweke eka yena ehansi ka nawu wun'wani ni wun'wani kumbe ehansi ka layisense kumbe pfumelelo lowu humesiweke hi vulawu byin'wana.

Ku tshikiwa, ku yimisiwanyana kumbe ku hundzuluxiwa ka mpfumelelo

52. (1) Ku ya hi makungu ya xiyengenyana xa (4), Bodo yi nga tshika nkarhi wun'wana na wun'wana, hundzuluxa kumbe ku yima hi nkarhi wolowo lowu wu voniwaka wu fanerile hi pfumelelo lowu nyikiweke hi yona-

(a) loko mukhomi wa mpfumelelo wo tano kumbe muthoriwa a khomeriwile milandzu ehansi ka Nawu lowu kumbe ehansi ka nawu mayelana ni mimovha kumbe xinawana xa ku famba epatwini kumbe vuhlayiseki bya ntirho wa munhu kumbe matirhele kumbe ya nandzu lowu hlamueriweke; kumbe

(b) loko hi mavonelo ya Bodo, mukhomi a nga landzelelangi swilaveko swa mpfumelelo; kumbe

(c) loko mukhomi a tsandzekile ku endla ntirho lowu wu pfumeleriwaka hi mpfumelelo kumbe xiphemu xin'wani eka tin'hweti ta tsevu ta ku humesa pfumelelo handlekaloko mukhomi a nga kombisa eka Bodo leswaku ku ni swivangelo

swa kahle swa mhaka leyi, swivangelo leswi swi nga katsa, kambe wi nga fanelangi ku pimiwa eka-

(i) vuvabyi kumbe ku tsandzeka ka mukhomi;

(ii) mhaka ya leswaku movha a wu le ku tirheni swa nkarhanyana hikwalaho ka nghozi;

(iii) ku lulamisa loku endliwaka ko hundzesela mpfumelelo hikwalaho ka rifu ra mukhomi;

(iv) ku tika eka swa timali hikwalaho ka swiyimo leswi swi lawulaka mukhomi; kumbe

(v) mhaka ya leswaku mukhomi a aleriwa ku fambisa vutirheli hikwalaho ka xiyimo xa ntlimbo.

(d) loko mukhomi a yimile ku tirha ntirho kumbe xiphemu xexo hi masiku ya 180 yo landzelelana; kumbe

(e) loko mukhomi a tsandzekile ku yisa setifikheti yintshwa ya lembe ya vukahle kumbe yo fanela ku va epatwini eka Bodo hi ku landza movha lowu phemiti leyi yi kongomisiwaka eka yona, hi nhweti yin'we endzhaku ka ku ka ku nga ha tirhi ka setifikheti yaleyo; kumbe

(f) loko mukhomi a tirhile movha lowu phemiti yi kongomisiweke eka wona

(2) Laha mukhomi wa pfumelelo a nga yima ku rhejistara na Murhejistara kumbe tani hi xirho xa nhlangano lowu wu nga rhejistariwangiki kumbe Bodo yi fanele yi yimisa tiphemiti leti ti khomiweke hi mukhomi.

(3) Laha nhlangano wu yimisaka wun'we wa swirho swa wona, Rhejistrara yi fanele yi yisa xiviko eka komiti leyi yi nyikaka leyi yi fanele eka Bodo, laha Bodo yi yimisa mimpfumelelo hinkwayo leyi nga khomiwa hi xirho eka nkarhi wa ku yimisiwa ka xirho.

(4) Bodo yi nga ha tshika kumbe ku yima ehansi ka xiyengenyana xa (1), (2) kumbe(3) handle kaloko-

(a) xitiviso xo tsariwa xa kwalomu ka 21 wa masiku xa kungu ro endla tano, na swikongomelo, xi nyikiwile eka mukhomi hi rhejistara ro posiwa; na

(b) mukhomi a nyikiwile nkarhi wo, ku nga ha va hi yexe kumbe hi ku tirhisa muyimeri wa yena loyi a nga pfumeleriwa, ku va kona emahlweni ka Bodo na ku nyika vumbhoni kumbe ku nyika muyimeri hi mayelana na goza leri ri nga kunguhatiwa.

(5) eka ku voniwa nandzu ka vumbirhi kumbe loku ku landzelaka ka munhu loku ku katsaka ku fambisiwa ka vutirheli byo ka byi nga pfumeleriwanga Bodo yi nga ha –

(a) hi xitiviso xo tsariwa lexi xi nga rhumeriwa hi poso, tshika kumbe yimisanyana mpfumelelo lowu wu nga khomiwa hi munhu yoloye ku ringana nkarhi lowu yi nga ha vonaka wu fanerile; na

(b) hi nkarhi lowu Bodo yi nga ha vonaka wu ri kahle, naswona ku nga ri hi mhaka ya kumbe mpfumelelo lowu wu nga khomiwa hi munhu yoloye wu tshikiwile ehansi ka ndzimana ya (a), ala ku kambisisa xikongomelo ku endlela ku nyika kumbe ku rhurhisiwa ka mpfumelelo eka yena kumbe eka khampani leyi a nga mufambisi, kumbe ku endlela ku pfuxetiwa ka mpfumelelo lowu wu nga khomiwa hi yena kumbe khampani yo tano.

(6) Ku endlela swikongomelo swa xiyengenyana xa (5) ku voniwa nandzu ka khampani loku ku vuriweke eka xiyengenyana lexiya, ku ta voniwa ku ri ku voniwa nandzu ka vanhu hinkwavo lava a va ri vafambisi va khampani liya hi nkarhi wa khomixini ya nandzu lowu wu vuriwaka.

Ku khanseriwa ka mpfumelelo hi ku landza pulani ya vutleketli bya vakhandziyi

53. (1) Loko hi landza pulani ya swofamba swa vakhandziyi swi kombisa

leswaku:

(a) ku nyikiwa ka vutirheli bya muxaka wa swibazani swa tithekisi ko tlula mpimo eka ndlela kumbe ntirho wa tindlela swi endlile leswaku ku tlhele ku humesiwa nakambe mimpfumelelo leyi languteriwaka eka xiyenge xa 35; kumbe

(b) ku vile na ku ncinca eka ndlela kumbe ntirho wa mapatu kumbe hi ndlela leyi vutirheli bya muxaka wa swibazana swa tithekisi swi nyikiweke ha kona swi ta vanga leswaku ku nyikiwa vutirheli byo tlula mpimo byo tano,

vulawuri byo pulana byi fanele ku tikarhata ku nyika vakhomi va mimpfumelelo lava va faneleke vutirheli byo siva kumbe vutirheli byo fana na yona lebyi byi tisaka mali yo fana naswona lebyi ku nyika loku ku nga ta ka ku nga ariwii hi vakhomi.

(2) (a) Loko vutirheli byo siva lebyi languteriwaka eka xiyengenyana xa (1) byi nga ri kona, Bodo yi nga sungula endlelo ra ku nyika ku yimisa leyi saleke.

(b) Ku kota ku nyika ntirho eka endlelo leri ri vuriwaka eka ndzimana ya (a), Bodo yi fanele yi rhamba vakhomi va mimpfumelelo eka patu kumbe ntirho wa mapatu lowu languteriwaka eka eka xiyengenyana xa (1) ku kombisa eka kumbe ku nga si fika siku leri ri vuriwaka hi ku tsala ntsengo wa ndziriso loko ku ri ku va tsakela ku nyiketa mimpfumelelo ya vona.

(2) Endzhaku ka nkambisiso wa mintsengo leyi yi tisiweke hi vakhomi (loko yi ri kona) vulawuri byo pulana byi nga ha hakela mintsengo leyi yi koxiweke naswona Bodo yi nga ha yimisa mimpfumelelo leyi faneleke.

(3) Loko endzhaku ka ku heta endlelo leri ri vuriweke eka swiyenge swa (2) na (3) ka ha ri ni mimpfumelelo yo tala ku tlula mpimo eka mapatu lama ya vuriwaka kumbe ntirho wa mapatu, Bodo loko yi lava ku susa mimpfumelelo leyi, yi fanele yi ya emahlweni yi susa mimpfumelelo leyi hi "*first-in-first-out*" naswona vulawuri byo pulana byi fanele byi hakela vakhomi ndziriso wo twisiseka lowu wu hlanganisiweke hi ku ya hi swilaveko leswi swi bohiweke hi Xirho xa Huvonkulu.

(4) Magoza hinkwawo lama ya tekiweke hi Bodo hi ku landza xiyenge lexi ya fanele ya endliwa hi ku fambisana na vulawuri byo pulana lebyi faneleke.

Ku tekiwa ka mimovha

54. (1) Mitirhela-tiko loyi a pfumeleriwaka loyi a hleketaka leswaku movha wu tirhiseriwa mintirho leyi yi nga pfumeleriwiki a nga ha teka movha.

(2) Movha lowu wu tekiweke ehansi ka xiyenge xa (1) wu nga vekiwa hi ndzawulo naswona wu nge humesiwi ku fikela laha mukhomi wa mpfumelelo lowu pfumelelaka ku tirhisiwa ka movha lowu khumbhekaka a khomiwile hi ku va a endlile ntirho lowu wu nga pfumeleriwangiki-

(a) loko a hakerile mali ya mafambisele leyi vekiweke, leyi ndzawulo yi nga ta yi tirhisa ku pfala mali leyi tirhisiweke eka ku simekiwa na ku hlayisa ndhawu kumbe tindhawu to veka mimovha leyi tekiweke naswona balansi, loko yi ri kona, yi

fanele ku hakeriwa eka Nkwama wa Swofamba swa Doroba ra Xifundzankulu; na

(b) u fanele a hakela mali leyi yi lavekaka kumbe a tshama ekhotsweni nkarhi lowu faneleke,

Ku ri leswaku mali ya ku tekiwa ka vumbirhi yi fanele ku va ntsengo lowu vekiweke naswona wu fanele ku va hakambirhi ku ya hi ku tekiwa kun'wana ni kun'wana.

(3) Ku tekiwa ka movha ehansi ka xiyenge lexi a ku fanelangi ku ntshunxa mukhomi loyi a khumbhekaka, kumbe n'winyi kumbe muchayeri leswaku a nga tengiseriwi nandzu ehansi ka Nawu lowu kumbe nawu lowu fambelanaka ni xinawana na ku lawuriwa swofamba epatwini.

Magoza yo hlawuleka eka tindhawu tin'wana

55. (1) Xirho xa Huvonkulu xi nga , loko xi swi vona swi fanerile hi xitiviso eka Gazete ya Xifundzankulu xi nga boha ndhawu, patu kumbe ntirho wa mapatu lawa hi tlhelo ra magoza yo hlawuleka ya faneleke ku tirha eka xiyenge lexi.

(2) (a) Xirho xa Hovunkulu xi nga ha endla swinawana ntsena loko ku ri ku rin'we kumbe ku tlula ra mapatu kumbe tirenke yi ta pfariwa leswaku ku tirhisiwa vutirheli bya muxaka wa swibazana swa tithekisi eka ndhawu leyi yi bohiweke ehansi ka xiyengenyana xa (1) hi nkarhi lowu wu vuriwaka eka swinawana, na leswaku a ku na munhu loyi a nga ta endla mintirho yaleyo eka patu kumbe mapatu kumbe eka renke kumbe tirhenke hi nkarhi walowo.

(b) Swinawana swi nga ha endla makungu ya leswaku ku ku tlula ko tano ku ta endla nandzu na ku vekiwa minxupulo hi tlhelo ra swona.

(3) Swinawana ehansi ka xiyengenyana xa (2) swi nga ha endla makungu yo humesa mimpfumelelo ya nkarhinyana eka vakhomi va mimpfumelelo leyi pfumelelaka ku tirhisiwa ka mimovha leyi yi nga ni ndhawu yo tshama leyi yi ringanaka vanhu vo tlula 17, ku katsa ni muchayeri, ku tirhisa mapatu lama ya pfariweke hi nkarhi lowu ya pfariweke.

KAVANYISA KA 8

KU TIRHISIWA KA NAWU

Milandzu na minsivelo

56. Munhu loyi a-

(a) endlaka vutirheli bya muxaka wa swibazana wa tithekesi kumbe thekisi ya mitara a nga ri ni mpfumelelo;

(b) nga mukhomi wa phemiti, loyi a endlaka vutirheli bya muxaka wa swibazana wa tithekisi kumbe vutirheli bya thekisi ya mitara lebyi byi hambanaka ni swiyimo kumbe swilaveko swa phemiti kumbe a tsandzeka ku landzelela swilaveka swa phemiti;

(c) mukhoi wa phemiti kumbe muyimeri kumbe muthoriwa wa mokhomi wa phemitiswi tsandzisa munhu loyi nga ri ki na phemiti ku tirhisa phemiti ya mukhomi wa yona;

(d) hi xikongomelo xa ku xisa, fojara, ncinca, onha hi ku tsalatsala,tsemelela kumbe ku ngetela eka phemiti;

(e) hi ku tiva leswaku ku tsalatsala a swi pfumeleriwi eka phemiti kumbe tsalwa leri ri humesiweke ehansi ka nawu lowu, yi humesa kumbe ku tirhisa ku tsala ko tano kumbe tsalwa rin'wani hi xikongomelo xexo;

(f) hi ku tiva leswaku tsala kun'wani kumbe tsalwa rin'wani leri ri leri ri humesiweke ehansi ka Nawi lowu ri ncinciwile,tsalatsariwile, onhiwile kumbe ku ngeteleriwile eka mintirho hi xikongomelo xa Nawu lowu;

(g) handle kaloko swi pfumeleriwile hi Nawu lowu ku tsansifera phemiti kumbe swikombo leswi swi hambanaka ku nga ri hi ku tsala ka Bodo eka movha lowu wu kumbe munhu ku nga ri movha ku nga vi movha kumbe munhu loyi a vuriweke eka kumbe tsariweke eka phemiti kumbe eka swikombo swo hambana hambana;

(h) endlaka onge i mutirhi loyi a nga pfumeleriwa;

(i) onhaka kumbe ku kavanyeta hi ku tsakela kumbe ku nghenelela mutirhi loyi a pfumeleriwaka eku tirheni ka yena eka kumbe ku tirhisa matimba kumbe ku endla mintirho ya yena;

(j) tsandzekaka ku landzelela mufambisi kumbe xilaveko lexi xi endliwaka hi mutirhi loyi a pfumeleriweke;

(k) pfumalaka swivangelo swo twala a tsandzeka kumbe a alaku ya emahlweni ka ka Bodo loko a fanerile a endlile tano hi ku ya hi Nawu, kumbe a tsandzeka kumbe ku ala ku hlamula hi vutivi bya yena xivutiso lexi a vutisiweke ku ya hi xiawu kumbe ku humesa buku, pulani kumbe tsalwa rin'wani kumbe atikili leyi a faneleke a yi humesa;

(l) nyikaka mahungu yo hemba loko a fanele a nyika mahungu hi ku ya hi Nawu lowu;

(m) tsandzekaka ku nyika mahungu lama ya hlawuriweke eka eka xiyenge xa 29(6) eka xikombelo xa yena;

(n) endlaka xikombelo xa kumbe a kumaka mpfumelelo, a swi tiva leswaku phemiti yin'wani yi nyikiwile munhu wun'wani kumbe munhu wun'wani wa xinawu hi mayelana ni movha walowo;

(o) kombisaka swikombo swo hambana eka movha lowu wu tirhissiwaka eka Vutirheli bya muxaka wa swibazana swa tithekisi kumbe vutirheli bya tithekisi ta mitara leti ti nga humesiwangi hi nawu ehansi ka ka Nawu lowu kumbe nawu wihi ni wihi wun'wani;

(p) tsandzeka vekela kumbe ku tshama a vekerile xikombo xo hambana eka movha wihi ni wihi tani hileswi swi hlawuriweke;

(q) tsandzekaka ku tlherisa xikombo xo hambana eka Bodo kumbe a yi herisahi ku va xifanele xi tlherisiwa kumbe ku onhiwa hi Bodo ya Ndzawulo;

(r) nga mukhandziyi eka movha, a tsandzeka ku nyika vito ra yena na adirese eka mutirhi loyi a pfumeleriwaka kumbe eka ku vula eka mutirhi loyi a pfumeleriweke kumbe loko a nga hakelangi ku va a khandziyile eka xivutiso;

(s) nga mukhomi wa mpfumelelo, a endla mintirhi yo ka yi nga pfumeleriwangi; kumbe

(t) hambanaka kumbe a tsandzekaka ku landzelela makungu man'wani ya Nawu lowu loko ku ri ku ku hambana kumbe ku tsandzeke a swi kombisiwangi eka nandzu;

u ta voniwa nandzu naswona u ta khomiwa u fanele a hakela fayini leyi yi nga hundzeki R100 000, kumbe ku tshama ejelenkarhi lowu wu nga hundzeki malembe manharhu kumbe eka fayini na ku tshama ejele.

Mintiyiso na swikombiso swa timhaka to karhi

57. (1) Eka ku khoma ehansi ka Nawu lowu-

(a) munhu loyi anga khandziyisa munhu movha lowu wu nga ni ndhawu yo tshama ya le hansi ka 17 wa vanhu ku katsa ni muchayeri kumbe loyi loyi anga pfumeleriwa ku khandziyisiwa hi munhu wo tano ku engetelahi muchayeri wa movha walowo, swi ta tekiwa ku pfumaleka vumbhoni lebyi byi hambanaka leswaku ku endliwiile vutirheli bya muxaka wa swibazana swa tithekisi kumbe vutirheli bya thekisi ya mitara tani hileswi mhaka yi nga vaka xiswona;

(b) loko swikombiwile leswaku munhu loyi a khandziyisiwaka hi ku hambana ni Nawu lowu hi movha wun'wani, n'winyi wa movha u ta voniwa hi ku pfumaleka ka vumbhoni byo tano ku va a fambisile munhu;

(c) munhu loyi anga ni phemiti ya vuxisi ya tsariwa leyi yi humesiweke ehansi ka Nawu lowu a kumeka kumbe loyi a nga khoma phemiti leyi yi ncinciweke, tsalatsariweke, handzuriweke kumbe engetela eka ku hambana ka Nawu lowu a kumiwa u ta voniwa eka ku pfumaleka ka vumbhoni lebyi byi hambanaka ku va ari yena a nga tsala kumbe ku va a hundzuluxile, tsalatsarile, handzula kumbe ku engetela eka mpfumelelo wo tano.

(2) Tsalwa leri ri endliwaka onge I phemiti leri ri humesiweke ehansi ka Nawu lowu kumbe khopi ya phemiti yo tano leyi yi gandliweke tani hi khopi ya ntiyiso hi munhu loyi a a tiendleke mutirhi wa Bodo, loko yi humesiwa hi mumhu loyi ayi khomeke ehansi ka Nawu lowu a nyika vumbhoni naswona a va ni xikombisi xa prima facie leswaku i mpfumelelo lowu wu humesiweke ehansi ka Nawu lowu, kumbe khopi ya ntiyiso ya phemiti yaleyo tani hileswi mhaka yi nga xiswona nasona xitatimende xi nga kona i xa ntiyiso.

(3) Tsalwa leri ri kombisaka leswaku movha lowu rhejistariwaka xinawu hi vito ra munhu loyi a tsariweke naswona ri endliweke onge ri humesiwile hi vulawuri lebyi byi tirhaka ku rhejistara mimovha eka ndhawu leyi movha walowo wu rhejistariwaka u ta kumeka eka vumbhoni na le ka xikombo xa prima facie xa ku kombisa ntiyiso wa switatimende leswi swi nga kona eka ku khomeriwa nandzu ehansi ka Nawu lowu.

Matimba ya Nawu

58. Khoto ya majistarata yi ni matimba ya ku tengisa nandzu wihi ni wihi hi mayelana ni nandzu lowu wu languteriwaka eka Nawu lowu na ku nyika nxupulo wihi ni wihi hi mayelana na wona.

Ku pimiwa ka nandzu/ndzhwalo

59. A ku na munhu loyi a faneleke a va ni nandzu hi tlhelo ra xilo xin'wana ni xin'wana lexi xi endliwaka hi moya wa kahle eka ku tirhisa matimba kumbe eka ku endla ntirho lowu a nyikiwaka wona kumbe lowu wu nyikiweke hi kumbe ehansi ka Nawu lowu.

KAVANYISA KA 9

MAKUNGU HI KU ANGARHELA

Swinawana

60. (1) Xirho xa Huvonkulu xi nga ha endla swinawana-

(a) hi ku kongomisa eka-

(i) mahungu lama ya yisiweke ni xikombeloxa ku nyikiwa mali, pfuxeto, ku hundzuluxa kumbe ku transifera phemiti;

(ii) endlelo leri ri faneleke ri landzeleriwa hi Bodo eku tirhaneni ni swikombelo swo tano;

(iii) mahungu lama ya faneleke ya yisiwa ni apili eka Huvo yo Apila ya Swofamba eka nawu, tlhelo kumbe xiboho xa Bodo;

(iv) mahungu lama ya fanelaka ya nyikiwa hi Bodo eka Huvo yo Apila ya Swofamba kumbe munhu loyi a apilaka hi mayelana ni apili na ndlela leyi, nkarhi lowu hi wona, timhaka leti ti nyikiwaka;

(v) mahungu lama ya fanelaka ya yisiwa eka Ndzawulo hi vakhomi va phemiti, timasipala na minhlangano;

(vi) milandzu leyi Bodo yi faneleke yi yi tekela enhlokwenieka ku teka swikombelo swa phemiti;

(vii) ku hlaya mapatu na ku nyika minhlangano yin'wani kumbe swirho swa yona, kumbe lava va nga ri ki swirho,ndlela na mahumesele ya swikombo swa hambana hi ndlela yaleyo;

(viii) ku nyika na ku vekela mimfungho yo hambanyisa hi va tirhisi va vutirheli lebyi ku kongomisiwaka eka byona eka byona eka xiyenge xa 38.

(b) (i) ku langutisa ku fambisiwa ka vana va xikolo hi vakhomi va tiphemiti;

(ii) ku fambisa makungu ya ku letela tithekisi;

(iii) mayelana ni xiboho lexi xi nga ni ntlimbo na vuahluri exikarhi ka minhlangano na vakhomi va tiphemiti;

(iv) ku languta vutirheli bya tithekisi ta mitara ku katsa kambe ku nga pimiwi xiyimo xa ntirho, hakelo, mimovha leyi yi tirhisiweke na vachayeri;

(v) ku nyika sisiteme ya ku hlawula vakhomi va tiphemiti na vachayeri;

(vi) yi nyika sisiteme ya ku rhejistara vachayeri lava va khumbhekaka eka ku nyika vutirheli bya muxaka wa swibazana swa tithekisi;

(vii) ku fambisa makungu, ku lawula na ku tirhisa tirhenke na switandi;

(c) lava ku hakeriwa ka mali na mali yo karhi leyi yi nga ni vuxaka ni-

(i) xikombelo xa ku nyikiwa mali, pfuxeto,ku hundzuluxiwa kumbetransifere ya phemiti;

(ii) apili yihi yihi leyi yi nyikiweke eka Nawu lowu;

(iii) mhaka ya phemiti, swikombo swo hambana kumbe tsalwa rin'wani kumbe dupulikheti,

na ku va va hlamusela ntsengo wa mali yo tano, ndhawu leyi ntsengo lowu wu hakeriweke hi ndlela yi mali yaleyo yi khanseriwile kumbe u nyikiwe yona nakambe yi helerile kumbe hi xiphemu ntsengo wa ku nyika nyana nakambe na swiyimo leswi ntsengo lowu wu hakeriweke hi vonelo ra Bodo yi nga tekiwa hinkwayo kumbe hi xiphemu;

(d) ku hlawula ka mintirho ya ku tirhisa nawu leyi yi tirhisiwaka yo hlawuleka kumbe swiboho hi mayelana ni vutirheli bya muxaka wa swibazani swa tithekisi;

(e) ku hlawula kumbe ku tirha ni mhaka yihi ni yihi hi ku landza kungu rihi ni rihi rin'wani ra Nawu lowuleri ri lavekaka ku va ri kumbe ri nga hlamuseriwa hi ndlela yin'wani kumbe yi nga tirhiwa hi ndlela yin'wani; naswona

(f) na ku khoma hi ndlela ya kahle hi ku angarha makungu na na swikongomelo swa Nawu lowu.

(2) Xinawnana xihi ni xihi lexi xi endliweke ehansi ka xiyengenyana xa (1) xi nga tirha eka munhu loyi a hambanaka nna makungu yalawa kumbe a tsandzekaka ku landzelela u ta voniwa nandzu naswona u ta fanela a nyikiwa fayini kumbe a gweviwa ku tshama ejele hi nkarhi lowu wu nga hundzeki malembe manharhu.

Swinawana swa doroba

61. (1) Masipala wu nga ha endla swinawana ku-

(a) ku lawula sayizi, tlilasi kumbe nomboro kumbe nhlayo ya mimovha leyi nga nghenaka eka xiphemu xo karhi lexi xi kombisiweke xa ndhawu ya xinawu na ku boha nkarhi kumbe minkarhi loko tlilasi ya movha yi nga nghena eka xiphemu xihi ni xihi xo tano;

(b) lawula kumbe ku arisa ku nghena eka tlilasi ka movha eka xiphemu xexo eka nkarhi wolowo;

(c) karisa ku khandziyisa na ku chicha ka mimovha eka xiphemu xexo hi nkarhi kumbe minkarhi leyi vekiweke, na ku boha nkarhi kumbe minkarhi leyi ku khandziyisa na ku chicha swi nga ta endliwa hi yona;

(d) lawula matikhomele ya vachayeri va mimovha leyi yi tirhisiwaka hi vutirheli bya muxaka wa swibazana swa tithekisi;

(e) lawula ku tirhisa ka vakhomi va tiphemiti, vachayeri na vanhu eka patu rihi ni rihi, ndlela, ndhawu yo teka na ku chichiwa, ndhawu ya ku khoma, rhenke, xitandi, ndhawu, ko khandziyela na xiolovisi xa ku hundzisela vakhandziyi;

(f) lawula timfanelo na swiboho swa vakhandziyi;

(g) lawula vuhlayiseki eka mimovha ya vanhu lebyi byi tirhaka;

(h) lawula ku rhwariwa ka tinhundzu na swiharhi hi swofamba swa mani na mani;

(i) ku lawula makhomele na ku cukumeta/hlayisa nhundzu leyi yi lahlekeke; na

(j) lulamisa na ku lawula makungu na ku tirha ka rhenke ya tithekisi.

(2) Xinawana xa doroba xihi ni xihi lexi endliweke ehansi ka xiyenge lexi xi nga ha endla makungu ya leswaku munhu loyi a tlulaka makungu ya kona kumbe a tsandzekaka ku ma landzelela, u fanele ku voniwa nandzu wu tlula nawu naswona u ta fanela ku rhwala nandzu wa ndziho, kumbe ku tshama ekhotsweni nkarhi lowu wu nga hundzeki malembe manharhu.

Timali

62. Timali hinkwato leti amukeriweke hi Bodo, Huvo ya Vaahluir kumbe Murhejistara ehansi ka Nawu lowu, ku katsa ni mindziho ni minxupulo, swi fanele ku hakeriwa eka Nkwama wa Swofamba swa Doroba wa Xifundzankulu kumbe eku heleni ka Nkwama walowo, yi nga

hakeriwa eka Nkwama wa Swofamba wa Misava ya Xifundzankulu, naswona tihakelelo hinkwato leti ti nga va kona eka ku tirhisa Nawu lowu ti fanele ti huma eka Minkwama yaleyo: Ku ri leswaku tihakelelo teto ti vile kona hi mayelana ni ku tirhiwa ka mintirho ya mutirhela-tiko loyi a pfumeleriwaka, yi fanele yi hakeriwa hi muthori wa mutirhela-tiko loyi a khumbhekaka.

Ku herisiwa ka milawu na hlayisa

63. (1) Swiyenge swa 4, 5,6 7, 8, 9, 10 na 11(2) swa Nawu wa Swofamba eMapatwini,1977 swa herisiwa.

(2) Loko Nawu lowu wu sungula tinhundzu hinkwato, milandzu, timfanelo na swiboho swa tibodo ta swofamba swa ndhawu lowu simekiweke ehansi ka Nawu wa Swofamba eMapatwini, 1977, swi fanele ku havesiwa Bodo.

(3) Ku ya hi Nawu, lowu ku thoriwa kwihi ni kwihi, nyika, xinawana, xitiviso, nyika matimba, mpfumelelo, ku pfumela, xiboho, ntshunxeko, xiletelo, xileriso, yimisa, ku tiyimisela kumbe xipimelo xin'wana lexi xi humesiweke, nyikiweke, nyiketiweke, endliweke kumbe vekiweke ehansi ka kungu rihi ni rihi ra Nawu wa Swofamba ePatwini wa 1977, kumbe nawu wo fana na wona, wu ta voniwa kumbe tekiwa tani hi loko wu humesiwile, nyikiwile, nyiketiwile, endliwile kumbe ku vekiwa ehansi ka makungu lawa ya fanaka ni wona ya Nawu lowu hi munhu kumbe ku tirha kahle hi ku landza Nawu lowu wo tano.

(4) Xikombelo xihi ni xihi xa ku humesiwa kumbe ku nyikiwa mpfumelelo mayelana ni vutirheli bya mixaka ya swibazana swa tithekisi kumbe vutirheli hi ku landza Nawu wa Swofamba ePatwini, 1997, kumbe nawu wo fana na wona, lowu wu nga tirhiwangiki eka sunguleni ka Nawu lowu , wu fanele ku tekiwa

xi fanerile ku tekiwa xi ri xikombelo ehansi ka Nawu lowu xa ku humesa kumbe ku nyika ka mpfumelelo lowu faneleke.

(5) Nkongomiso wihi ni wihi eka "Bodo" kumbe "bodo ya swofamba epatwini ya ndhawu" kumbe "mukamberi" eka Nawu wa Swofamba ePatwini,1977 wu fanele wu tekiwa tani hi xikongomelo eka Bodo kumbe mukamberi hi ku landzelelana.

Nhlokomhaka hi ku komisa na ku sungula ku tirha.

64.(1) Nawu lowu wu vuriwa Nawu wa Nkarhinyana wa Vutleketi bya Vakandziya wa Xifundzankulu xa N'walungu, 1999, naswona wu sungula ku tirha hi siku leri ri bohiweke hi Holobyenkulu hi xitiviso eka Gazete ya Xifundzankulu.

(2) Ku nga bohiwa masiku yo hambana hi ku ya hi ku hambana makungu ya Nawu lowu, naswona masiku lama ya bohiweke ya nga ha hambana hi ku ya hi tindhawu to hambana ta Xifundzankulu.

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

No. 13 **8 Aporele 2000**

Mo go tsebišwa gore Tonakgolo o dumeletše Molao wo o latelago wo o phatlalatšwago go dira tshedimošetso ya Kakaretšo:—

No. 4 wa 1999: Molao wa Nagareng wa Dinamelwa tša Banamedi wa Profense ya Leboa, 1999.

xi fanerile ku tekiwa xi ri xikombelo ehansi ka Nawu lowu xa ku humesa kumbe ku nyika ka mpfumelelo lowu faneleke.

(5) Nkongomiso wihi ni wihi eka "Bodo" kumbe "bodo ya swofamba epatwini ya ndhawu" kumbe "mukamberi" eka Nawu wa Swofamba ePatwini,1977 wu fanele wu tekiwa tani hi xikongomelo eka Bodo kumbe mukamberi hi ku landzelelana.

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MOLAO

Go beakanyetša go laola ditirelo tša mohuta wa dithekisi tša dipeesana go emetšwe kgatišo ya molao wa dinamelwa tša setšhaba wo o tletšego; go beakanyetša peakanyo ya dinamelwa tša banamedi; go beakanyetša tlhomo ya Boto ya Ditumelelo ya Profense, Lekgotla-Diphetho la Boipiletšo la Profense le Moretšisetara wa Dithekisi tša Profense; go beakanyetša ngwadišo ya mekgahlo ya dithekisi tša dipeesana, maloko le bao e sego maloko; go beakanyetša go sepediša le go laola intaseteri ya dithekisi tša dipeesana; go se akaretše dipeakanyetšo tša Molao wa Thwalo-Ka-Tsela, 1977, go diriša ditirelo tša mohuta wa dithekisi tša dipeesana; le go beakanyetša ditaba tšeo di amanago le tšona.

(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka 23 Matšhe 2000)

GO BEWA MOLAO ke Lekgotlapeamelao la Profense ya Leboa, ka fao go latelago-

DITENG TŠA MOLAO

Karolo

KGAOLO 1

DITLHALOŠIŠO

1. Ditlhalošišo

KGAOLO 2

BOTO YA DITUMELELO YA PROFENSE YA LEBOA

2. Tlhomo ya Boto ya Ditumelelo ya Profense ya Leboa
3. Popego ya Boto
4. Dikopano tša Boto
5. Tshepedišo dikopanong tša Boto
6. Tefelo le diputseletšo tša maloko a Boto
7. Badiredi ba Boto
8. Mediro ya Boto
9. Peo ya bahlahlobi

KGAOLO 3

LEKGOTLA-DIPHETHO LA BOIPILETŠO LA PROFENSE

10. Tlhomo ya Lekgotla-Diphetho la Boipiletšo la Profense
11. Dikopano tša Lekgotla-Diphetho
12. Boipiletšo go Lekgotla-Diphetho
13. Badiredi ba Lekgotla-Diphetho

KGAOLO 4

PEAKANYO YA DINAMELWA

14. Ditheo-kakaretšo tša peakanyo ya dinamelwa, le tswalano ya yona le tlhabollo ya naga
15. Tlhako ya dinamelwa tša naga ya Profense
16. Mehuta ya dipeakanyo ye e nyakwago ke Molao wo
17. Ditaolo tša peakanyo
18. Direkhoto tša dinamelwa tša setšhaba tša bjale
19. Maano a ditumelelo
20. Dipeakanyo tša rašenaleseišene
21. Dipeakanyo tša dinamelwa tša setšhaba
22. Dipeakanyo tša dinamelwa tše kopanego
23. Ditheo tša Profense tša kakaretšo le maikemišetšo bakeng sa dinamelwa tša naga ka diteng tša tlhabollo
24. Dikgohlano magareng a peakanyo ya dinamelwa le dinepo tša tlhabollo ya naga goba peakanyo
25. Maatla a Leloko la Lekgotla-Phethišo go dira melawana malebana le peakanyo ya dinamelwa

KGAOLO 5

PEO YA MORETŠISETARA WA DITHEKISI TŠA PROFENSE LE NGWADIŠO YA MEKGAHLO YA DITHEKISI, MALOKO LE BAO E SEGO BA MEKGAHLO

26. Moretšisetara wa dithekisi tša Profense
27. Mediro ya Moretšisetara
28. Mediro ya Molekgotla-Phethišo
29. Ngwadišo ya mekgahlo, maloko le bao e sego maloko
30. Maswao a pharologantšho
31. Sehlopha sa balekodi
32. Go bea tshedimošo nakong
33. Go palelwa ga mokgahlo goba yoo e sego wa leloko go itswalanya le molaotheo wa wona goba Mokgwa wa Boitshwaro go Bao e sego maloko, ka go latelana, le maatla a kgalemelo a Moretšisetara

KGAOLO 6

TSHEPEDIŠO LE TAOLO YA DITIRELO TŠA MOHUTA WA DITHEKISI TŠA DIPEESANA

34. Kgopelo mabapi le tumelelo
35. Tšwetšopele le phetošo ya diphomete tše di lego gona

36. Phetošo ya diphomete tše di sa dumelelwego mo go mabaka a mangwe
37. Mokgwa wa go fetola diphomete go ba ditumelelo
38. Ditokollo
39. Phedišo ya kgopelo mabapi le tumelelo
40. Kemalegato ya mebotoro
41. Kgatišo ya kgopelo le dikemelo mabapi le tumelelo
42. Ditaba tšeo di ka go elwa hloko go fetšweng ga kgopelo mabapi le tumelelo
43. Ditirelo tša dithekisi tša makgatha-diprofense
44. Ditirelo tša dithekisi tša ditšhabatšhaba
45. Ditirelo tša Boeti
46. Paka ya matlafatšo ya tumelelo
47. Go ntšhiwa ga tumelelo le dipeakanyetšo tša yona
48. Rekhoto ya ditumelelo
49. Kemelalegato ya lebakanyana ya mmotoro woo o lebanego le tumelelo
50. Matlafatšo ya tlaleletšo ya tumelelo
51. Mediro ya moswari wa tumelelo
52. Kgomišo, phego goba phetošo ya tumelelo
53. Kgomišo ya tumelelo go ya ka peakanyo ya dinamelwa tša banamedi
54. Go swarwa ga mebotoro
55. Magato a kgethegilego ka gare ga ditikologo tše itšego

KGAOLO 7

TIRIŠO YA MOLAO

56. Ditshenyo le dithibelo
57. Dikamako le taetšo ya ditaba tše itšego
58. Tikologosemolao
59. Kgaolelo ya tlamego

KGAOLO 8

DIPEAKANYETŠO-KAKARETŠO

60. Melawana
61. Melawanyana
62. Ditšhelete
63. Phedišo ya melao le dipoloko
64. Thaetlele e kopana le go thoma

KGAOLO 1

DITLHALOŠIŠO

Ditlhalošišo

1. Ka mo Molaong wo, ka ntle le ge go bontšhwa ka tsela ye nngwe-

"**bewa**" ke go re bontši bja maloko a mokgahlo goba mokgahlo wa makgatha-diprofense, goba leloko goba yoo e sego leloko a amegago, bjalo ka ge go ka ba ka gona, dira mediro ya bona goba ya gagwe, ka go latelana ka gare ga Profense;

"**Boto**" ke go re Boto ya Diphomete ya Profense ya Leboa yeo e hlomilwego ka karolo 2;

"**Boto ya mebaraka ya boeti ya Profense ya Leboa**" ke go re Boto ya Mebaraka ya Boeti ya Profense ya Leboa yeo e hlomilwego go ya ka Molao wa Boto ya Mebaraka ya Boeti wa Profense ya Leboa, 1997 (Molao 7 wa 1997);

"**ditirelo tše sa matlafatšwago**" di ra ditirelo tša dinamelwa tsa setšhaba tšeo di sa matlafatšwago ka phomete efe le efe le go akaretša ditirelo tšeo di dirilwego ke moswara-phomete ka mokgwa woo e sego wa go amana le dipeakanyetšo tša tumelelo;

"**foramo ya dinamelwa** " ke go re foramo ya dinamelwa tša tikologo-selegae goba foramo ya dinamelwa tša selete, ka moo go ka bago ka gona;

"**Hlogo ya Kgoro**" ke go re hlogo ya Kgoro ka moo e hlathollotšwego ke Molao wa Tirelo ya Setšhaba, 1994, ka moo o fetotšwego;

"**kgethela**" ke go re go kgethela ka molawana gomme "**kgethelwa**" e na le lereo la go swana;

"**kgoro**" ke go re Kgoro ya Taolo ya Pprofense ya go ikarabela dinamelwa tša setšhaba ka gare ga Profense;

"**koporasi**" e ra koporasi bjalo ka ge e hlalošitšwe ka gare ga Molao wa Dikoporasi, 1981 (Molao 91 wa 1981);

"**Lekgotla**" ke gore sehlopha sa batho se se sepetšago mohuta wa thekisi ya dipeesana goba setho seo ba babedi goba go feta ba dihlopha tšeo ba tswalane, di na le nepokgolo ya tšona e lego go tšwetšopele ya dikgahlego ka sehlopha ya maloko a tšona, gomme e ikemišeditše go šomiša ditseno tša tšona go tšetšapele dikgahlego tšeo;

"**lekgotla la makgatha-diprofense**" le ra mokgahlo woo maloko a wona a rwalago goba rolago banamedi ka gare ga Profense le e tee goba diprofense tše dingwe tša go feta;

"**Lekgotla-diphetho**" ke go re Lekgotla-diphetho la Boipiletšo la Profense leo le hlomilwego ka karolo 10;

"**Lekgotla-diphetho la Dinamelwa la Boipiletšo**" ke go re Lekgotla-diphetho la Dinamelwa la Boipiletšo la go hlongwa ka karolo 2 ya Molao wa Lekgotla-diphetho la Dinamelwa la Bopiletšo, 1998;

"**masepala**"-

(a) go fihlela ge molao woo o ukangwago ka go karolo 155(2) ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molao 108 wa 1996), o thoma go šoma go ra go re setho sefe le sefe sa mmušo-selegae seo se apešitšwego maatlataolo a go bea melao le maatlataolo a lekgotlaphethišo (e ka ba ka go se akaretše goba motheong wa kabagano) mabapi le tikologo e itšego go ya ka Molao-Phetišetšo wa Mmušo-Selegae, 1993 (Molao 209 wa 1993), ka go tswalana le karolo 155(1) ya Molaotheo;

(b) go tloga ka tšatšikgwedi ge molao o thoma go šoma, go ra masepala ofe le ofe yoo a ukangwago ka gare ga molao woo;

"**mmotoro**" ke go re mmotoro bjalo ka ge go hlaloswa ka go Molao wa Therafiki ya Ditsela, 1989 (Molao 29 wa 1989);

"**mohlahlobi**" ke go re mohlahlobi yoo a šupetšwago ka gare ga karolo 9;

"**Mohlankedi yo a matlafaditšwego**" ke go re mohlahlobi, leloko lefe kapa lefe la Tirelo ya Maphodisa ya Afrika-Borwa, goba motho o mongwe ofe kapa ofe yo a matlafaditšwego ke molao go hlahloba mebotoro goba dilaesense tša mebotoro goba go laola therafiki;

"**mokgahlo wa maleba**" go lebantšhwa le kgopelo ya tumelelo, ke go re mokgahlo woo maloko a wona a šomago godimo ga tsela, marangrang a ditsela goba ka gare ga tikologo yeokgopelo e lebantšhitšwego;

"**molao wa boitshwaro**" ke go re sehlopha sa melawana yeo e tlamago maloko a mekgahlo yeo e ngwadišitšwego yeo e bopago seripa sa Molaotheo wa Kgonthe;

"**molao wa boitshwaro wa bao e sego maloko**" ke go re sehlopha sa melawana yeo e kgethetšwego e tlemago bao e sego maloko;

"**Molao wo**" o akaretša melawana;

"**Molaotheo wa Kgonthe**" o ra sehlopha sa melawana le ditshepedišo tšeo di laolago ditaba tša mekgahlo yeo e ngwadišitšwego, gomme e akaretša Molao wa Boitshwaro, Tsela ya Dingongorego le Tsela ya Kgalemelo ya maloko a mekgahlo yeo;

"**molawana**" ke go re molawana woo o dirilwego ka fase ga Molao wo;

"**Molekgotla-Phethišo**" ke go re Leloko la Lekgotla-Phethiso la go ikarabela dinamelwa tsa setšhaba ka gare ga Profense;

" **Moretšisetara**" ke go re Moretšisetara wa Profense wa Profense ya Leboa yoo a beilwego ka fase ga karolo 26;

"**mo-se-be-leloko**" ke go re moswari wa phomete ya go ngwadišwa yoo e sego leloko la mokgahlo wa go ngwadišwa;

"**mosepediši**" ke go re motho yoo a matlafaditšwego ka tumelelo go abela tirelo ya mohuta wa thekisi ya peesana;

"**moswari**" ka go tswalana le tumelelo, e ra go re motho yoo tumelelo e mo tšwetšego;

"**ngwadišitšwe**' ke go re ngwadišitšwe goba ngwadišitšwe go ya ka mabaka ka fase ga kgaolo 5;

"**Phanele**" ke go re Phanele ya Balekodi yeo e kgethilwego ka fase ga karolo 31.

"**Æpermissiona**" ke go re tumelelo ye e nyakegago ka fase ga karolo ya 34, yeo e filwego le go abelwa go ya ka Kgaolo 8, eupša ga e akaretše tumelelo ye e kgethilwego

"**Profense**" ke go re Profense ya Leboa;

"**Sekhwama sa Dinamelwa-setoropo tša Profense**" ke go re sekhwama seo se hlomilwego ka karolo 8A Molao wa Dinamelwa-Setoropo, 1977 (Molao 78 wa 1977);

"**taolo ya peakanyo**" ke go re taolo ya bokgoni yeo e ikarabelago go tokišo ya peakanyo ya dinamelwa tša banamedi bjalo ka ge go boletšwe ka go karolo 17;

"**thekisi-peesana**" ke go re mmotoro woo dirišetšwago tirelo ya mohuta wa thekisi-peesana;

"**tirelo ya boeti**" ke go re tirelo ya dinamelwa ya setšhaba, ya go rwala baeti, bao ba beeleditšego godimo ga lenaneo la boeti leo le humanegago phatlalatša, go goga baeti;

"**tirelo ya dinamelwa tša setšhaba**" ke go re tirelo ya go rwala batho ka tsela yeo e beakanyeditšwego tefelo, poelo goba kelohloko e nngwe;

"**tirelo ya mohuta wa dithekisi tša dipeesana**" ke go re tirelo ya dinamelwa tša setšhaba yeo e beakanyeditšwego go ya ka phomete godimo ga tsela e itšego goba go mararankodi a ditsela goba ka gare ga tikologo ya go hlaloša e sego ka tšhupapaka ya ka mehla, ka tsela ya mmotoro woo o nago le madulo a batho bao ba sego ka fase ga 17, go akaretšwa le mootledi, gomme e le fao monamedi ofe le ofe a lefelago tefelatsela ka go arogana, empa go sa akaretšwe tirelo;

"**tirelo ya dithekisi tša ditšhabatšhaba**" ke go re tirelo ya mohuta wa dithekisi tša dipeesana goba tirelo yeo e diregago seripanyana ka gare ga Rephabliki le seripanyana ka gare ga naga e nngwe goba sebakabakeng ka gare ga Rephabliki go ya go naga e nngwe;

"**tirelo ya tlhompho**" ke go re tirelo ya dinamelwa tša banamedi yeo e fiwago ke mokgahlo go badirelwa ba bona ntle le tefo ya thwii go modiriši, ka tsela ya mmotoro wa mokgahlo goba mmotoro woo o abetšwego ka fase ga kontraka;

"**tirelo ya khiro**" ke go re tirelo yeo e akaretšago khiro ya mmotoro le mootledi leetong la go beakanywa le go lefelwa pele ga nako, go ya lefelong le tee fao:

(a) e sego moswari goba mootledi yo a amogelago ditefelatsela;
(b) motho yoo a hirago mmotoro a na le tokelo ya go kgonthišiša tsela, tšatšikgwedi le nako ya leeto

"**tirelo ya dithekisi ya makgatha-diprofense**" ke go re tirelo ya mohuta wa dithekisi tša dipeesana goba tirelo yeo e beakanyeditšwego seripanyana ka gare ga Rephabliki le seripanyana ka gare ga e tee goba diprofense tše dingwe tše ntši , go sa akaretšwe tirelo ya ya dithekisi tša ditšhabatšhaba;

"**Tsela ya kgalemelo**" ke go re sehlopha sa melawana yeo e bopago seripa sa Molaotheo wa Kgonthe woo mokgahlo woo o ngwadišitšwego o swanetšego go o latela go nyakišiša pelaelo ya go tshela Molao wa Boitshwaro ke leloko le go kgalemela leloko leo le humanwego molato wa go tshela Molao ya Boitshwaro;

"**Tsela ya Dillo**" ke go re seripa sa Molaotheo wa Kgonthe seo se tšweletšago magato ao a swanetšego go latelwa ge leloko leo le kwešitšwego bohloko goba sehlopha sa maloko a mokgahlo woo o ngwadišitšego o ratago go rotoša taba ya ka gare ga mokgahlo gore e ahlaahlwe, le go beakanyetša sephetho sa dillo ka tsela ya go tšwela pele ga ditherišano le sephetho sa meferefere ka tsela ya go tsena ditaba ka gare le go ahlolwa;

"**tumelelo**" ke go re tumelelo yeo e matlafatšago ditirelo tša mohuta wa dithekisi tša dipeesana goba ditirelo tšeo di ntšhitšwego ka Molao wo gomme di akaretšago tokumente yeo e tšewago go ba tumelelo ke Molao wo goba ke Molekgotla-Phethišo ka tsebišo ka gare ga *Kuranta ya Profense*;

KGAOLO 2

BOTO YA DITUMELELO YA PROFENSE YA LEBOA

Tlhomo ya Boto ya Ditumelelo ya Profense ya Leboa

2. Molekgotlaphethišo o tla hloma boto ya ditumelelo e tee ya profense le go kgetha bjalo ka maloko a yona batho bao ba nago le boikemo, go se tšee lehlakore le goba le toka ebile go feta fao ba nago le maswanedi a boleloko ka mabaka a bona a kwešišo le bokgoni ka goba tsebo ya intaseteri ya dinamelwa tša setšhaba le go se be le kganyogo ya molaleng goba ye e khutilego ya ditšhelete go intaseteri yeo.

Popego ya Boto

3.(1) Boto e tla hlangwa ke-

(a) moduladetulo yoo, ka mogopolong wa Molekgotla-Phethišo, e lego yo a swanetšego go ka šoma bjalo ka modulasetulo; gomme

(b) e sego maloko a fetago 4 ao, ka mogopolong wa Molekgotla-Phethišo, a nago le tsebo ya maswanedi goba boitemogelo mabapi le dinamelwa tša setšhaba, ditaba tša intaseteri, kgwebo, matlotlo goba tša semolao,

gomme e le yoo a tlago go bewa ke Molekgotla-Phethišo.

(2) Leloko la Boto le tla swara ofisi paka yeo e sa fetego mengwaga e meraro, bjalo ka ge Molekgotla-Phethišo a ka kgonthišišago ka gona nakong ya peo ya gagwe, gomme le tla ba le maswanedi a go ka bewa gape mafelelong a paka ya ofisi.

(3) Molekgotla-Phethišo, ka morago ga ge a file leloko la Boto sebaka sa go bolela taba ya gagwe, a ka fediša paka ya ofisi ya leloko lefe le lefe ge leloko lona leo le hlokile maswanedi go ya ka karolwana (5) goba ka lebaka la boitshwarobobe, go šitega goba go hloka bokgoni.

(4) Molekgotla-Phethišo, go ya ka karolwana (1), a ka tlatša sekgoba nakwana godimo ga Boto ka go bea motho yo mongwe seripeng seo se šetšego sa paka yeo motho yoo mabapi le yena sekgoba se rotogago, a bego a se thwaletšwe.

(5) (a) Motho a ka se bewe goba a šala e le leloko la Boto-

(i) ge motho yoo-

(aa) e le yo monnyane goba a tshwenywa ke bogole bjo bongwe bja semolao;

(bb) a le goba a eba mowi yoo a ka se tsošološwego goba a hlola tiro ya go wa;

(cc) ka nako efe le efe a tlošitšwe ofising ka lebaka la boitshwarobobe

(dd) ka nako efe le efe a ile a kwebja goba, a kwebja, e ka ba ka gare ga Rephabliki goba kae le kae ka bohodu, bomenetša, goba a bolela ka tokumente ya bofora, kenomaaka, tshenyo efe le efe go ya ka Molao wa Ditirompe, 1992 (Molao 94 wa 1992), goba bosenyi bofe le bofe bja go tsenya go se botege; goba

(ee) ntle le tumelelo ya Boto, a se be gona dikopanong tše tharo tša go latelana;

(ff) o hlaotšwe bjalo ka nkgetheng go dikgetho dife le dife tša maloko a Kopano ya Bosetšhaba goba lekgotlapeamelao la profense go ya ka Molao wa Dikgetho, 1998 (Molao 73 wa 1998), goba bjalo ka nkgetheng go dikgetho dife le dife goba seka-dikgetho tša masepala go ya ka molao ofe le ofe; goba

(gg) o kgethilwe go dula setulo se se se nago motho ka Palamenteng goba go lekgotlapeamelao;

(hh) ge yena motho yoo, e ka ba ka boyena goba mogatšagwe, leloko la lapa la kgauswi, mogwera kgwebong goba modirišani, a hwetša thwii kholo ya ditšhelete kgwebong efe le efe goba bogwebing bjo bo amanago le dinamelwa tša setšhaba yeo e ka, go ya ka kgopolo ya Molekgotla-phethišo, go thulana goba go thibela tiro ye kaone ya mošomo wa gagwe bjalo ka leloko la Boto.

(b) Ka dinepo tša temana (a)-

(i) "mogatša" o akaretša motho yoo leloko le dulago le yena ge ba be ba nyalane goba motho yoo leloko gantši le robalago le yena;

(ii) "leloko la kgauswi la lapa" le ra motswadi, ngwana, buti goba sesi.

(c) Motho o tla, pele ga go thwalwa ga gagwe go ba leloko, tliša go Molekgotla-Phethišo setatamente sa go ngwalwa ka fao go sona go hlatselago ge eba o hlokile maswanedi go ya ka temana (a)(i) le ge eba o na le goba ga a na le kgahlego go ya ka temana (a)(ii).

(d) Ge leloko pakeng ya lona ya ofisi le humana goba le gopola go humana kgahlego

yeo go ka kgonagalago go ba kgahlego yeo e bolelwago ka go temana (a)(ii), le tla bega taba yeo ka potlako ka go ngwalela Molekgotla-Phethišo le Boto yeo ka kopanong ya yona ya go latela e tlago ahlaahla ge eba kgahlego yeo e bopa goba e ka bopa tshelamolao, ge eba khumano yeo goba khumano yeo e ukangwago e tla emela tlhokatshekamelo ya Boto.

(e) Boto e tla re ka potlako ya tsebiša Molekgotla-Phthišo ka ga sephetho sa Boto goba tigelo yeo e bolelwago ka gare ga temana (d).

(f) Molekgotla-Phethišo o tla re, ka morago ga ge a ahlaahlile sephetho sa Boto goba tigelo, a tsebiša leloko leo le amegago ge eba khumano goba khumano yeo e ukangwago e bopa kgahlego yeo e bolelwago ka go temana (a)(ii) goba e bonala e amogela tlhokatshekamelo ya Boto, yeo godimo ga yona leloko le tlago go ikgaoganya le kgahlego yeo ka lebelo la mmutla, fao a ka palelwago Molekgotla-Phethišo a tlago go tšea magato go ya ka karolwana (3).

(6) (a) Leloko la Boto le ka se boute, tsenela goba ka mokgwa o mongwe la tšea seabe goba go huetša ditshepedišo kopanong efe le efe ya Boto ge, mabapi le taba efe le efe yeo e lego pele ga Boto, le nago le kgahlego yeo e le thibelago go dira mediro ya lona bjalo ka leloko la Boto ka tsela ya go loka, ya go se sekame.

(b) Ge e le legatong lefe le lefe nakong ya ditshepedišo dife le dife tša Boto go bonala gore leloko la Boto le na le kgahlego bjalo ka ge go laetšwa ke temana (a)-

(i) leloko leo le swanetše gore ka potlako le tšweletše nyanyeng sebopego sa kgahlego ya gagwe gomme le tlogele kopano gore le kgontšhe maloko a Boto ao a šetšego go ahlaahla taba le go lebelela ge eba leloko leo le swanelwa ke go thibelwa go tsenela ditherišano go ya pele gona kopanong yeo ka lebaka la thulano ya dikganyogo; gomme

(ii) tšona dintšhetšonyanyeng tšeo le sephetho seo se tšerwego ke maloko ao a šetšego a Boto selebaneng seo, di tla ngwalwa ka go hlaloswa ka gare ga metsotso ya kopanong yeo e bolelwago.

(c) Ge leloko lefe le lefe la Boto le palelwa ke go bipolla kganyogo yeo e šupeditšwego ka go temana (a) goba ge, le na le yona kganyogo yeo, le tsenela goba ka mokgwa ofe le ofe le tsenela goba le huetša ditshepedišo kopanong yeo e amegago, ditshepedišo tšeo di lebanego le yona di tla fetoga go se be selo.

Dikopano tša Boto

4. (1) Kopano ya mathomo ya Boto e tlo swarwa ka tšatšikgwedi le ka yona nako le lefelong leo bjalo ka ge modulasetulo a ka beakanya, gomme dikopano ka moka ka morago ga fao di tlo swarwa ka ditšatšikgwedi tšeo le dinako le mafelong ao bjalo ka ge modulasetulo a ka beakanya ka poledišano le Boto.

(2) Ge modulasetulo a se gona kopanong ya Boto, maloko ao a lego gona a tla kgetha yo mongwe gare ga bona go ka sepediša kopano yeo.

(3) Khoramo ya kopano ya Boto e tlo ba bontši bja palomoka ya maloko a Boto

(4) Sephetho sa Boto se tla tšewa ke bontši bja dibouto tša maloko ao a lego gona kopanong ya Boto, gomme kgabagareng ya ge dibouto di lekana godimo ga taba efe le efe, modulasetulo o tla ba le bouto ya maripaganyo go tlaleletša bouto ya gagwe ya maikemišetšo.

(5) Boto e tla ba le diofisi tša yona tša tulo le taolo mo lefelong leo le kgethilwego ke Molekgtlaphethišo le go tsebagatšwa ke Molekgotlaphethišo ka tsebišo ka go kuranta ya profense.

(6) Molekgotlaphethišo a ka, go kgahla setšhaba, hloma ofisi ya ka fase ya boto ya ditumelelo go selete sefe le sefe ka mo profenseng, le moo-

(a) dikgopelo tša ditumelelo di kago go dirwa le go amogelwa;

(b) thušo e kago go direlwa setšhaba go dirweng ga dikgopelo;

(c) ditumelelo di kago go fiwa, tsošološwa, fetošwa goba go fetišetšwa ke boto ya ditumelelo, le maswao afe le afe a pharolagantšho a mebotoro yeo e diretšwego ditumelelo, di ka go abelwa.

Tshepedišo dikopanong tša Boto

5. (1) Boto e ka, ka nepo ya go šogana le taba yeo e lego pele ga yona go ya ka Molao wo goba molao ofe le ofe-

(a) dumelela motho yoo a amegago goba a nago le kgahlego ya taba yeo, goba kemedi ya motho yoo yeo e matlafaditšwego, go hlaga pele ga yona, le

(i) go fa bohlatse goba go dira kemelo ya molomo yeo e amanago le taba

(ii) go bitša dihlatse le go fa bohlatse godimo ga taba ya maleba; goba

(iii) go botšiša motho yoo a hlatselago bjalo ka hlatse;

(b) ka tsebišo ya go ngwalwa bjalo ka ge e kgethetšwe le go fiwa ka mokgwa wa go kgethelwa, go nyaka motho go tšwelela pele ga yona go fa bohlatse goba go tšweletša puku, peakanyo goba tokumente e nngwe goba selo seo a se swerego goba se lego ka fase ga taolo ya gagwe;

(c) go bitša motho yoo a lego gona ka gare goba a lego lefelong leo taba e swarwago gona go tlo iponagatša pele ga yona go fa bohlatse goba go hlagiša puku, peakanyo, goba tokumente e nngwe goba selo seo motho yoo a nago naso;

(d) botšiša motho yoo a tšwelelago bjalo ka hlatse ka gare ga taba yeo;

(e) gana go kwa motho yoo a tšwelelago pele ga yona ge a gana go tšea keno goba go tiišetšwa.

(2) Motho yoo a swerego setulo kopanong ya Boto fao go hlagago motho bjalo ka hlatse a ka tšeiša keno goba tiišetšo go motho yoo a tšwelelago bjalo.

(3) Boto e swanetše go fa setho seo se kgahlegago ge se kgopela mabaka a go ngwalwa ka ga sephetho seo se tšerwego ke yona.

Tefelo le diputseletšo tša maloko a Boto

6. (1) Maloko a Boto ao a šomelago mmušo wa profense goba wa setšhaba motšhaotšhele, a tla lefelwa mabapi le ditirelo tša ona tefelo le diputseletšo bjalo ka ge go ka beakanywa ke Molekgotla-Phethišo.

(2) Tefelo le diputseletšo tša batho bao ba šupetšwago ka go karolwana (1) di tlo fapana go ya ka diofisi tšeo ba di swerego goba go fapana ga mediro yeo ba e dirago.

Badiredi ba Boto

7. Molekgotla-Phethišo o swanetše, go ya ka melao yeo e laolago tirelo ya mmušo, beakanya badiredi bao ba nyakegago go thuša Boto go phethagatša mešomo ya yona.

Mediro ya Boto

8. Boto e tla ahlaahla le go fa sephetho godimo ga, goba ka mokgwa o mongwe ya swaragana le dikgopelo tšeo di dirilwego go ya ka dipeakanyetšo tša Molao wo goba Molao wa Thwalo-Ka-Tsela, 1977 (Molao 74 wa 1977), gomme e tla re godimo ga dinepo tše ya ela hloko maikemišetšo a dinamelwa tša profense.

Peo ya bahlahlobi

9. (1) Hlogo ya Kgoro e tlo bea mohlankedi ofe le ofe yoo a lego mošomong wa Kgoro bjalo ka mohlahlobi wa dinamelwa tša setšhaba, yoo maatla le mediro ya gagwe e tlago bjalo ka ge go kgethetšwe.

KGAOLO 3

LEKGOTLA-DIPHETHO LA BOIPILETŠO LA PROFENSE

Tlhomo ya Lekgotla-Diphetho la Boipiletšo la Profense

10. (1) Molekgotla-Phethišo o swanetše gore ka tsebišo ka gare ga Kuranta ya Profense a hlome Lekgotla-Diphetho la Boipiletšo la Profense.

(2) Lekgotla-Diphetho le tla hlangwa ka maloko a mararo ao a beilwego ke Molekgotla-Phethišo ao o tee wa ona a nago le boitemogelo bja mengwaga e 10 a šoma bjalo ka moadvokate goba moathoni, gomme maloko a mangwe a swanetše go ba le boitemogelo bjo bo phatlaletšego bja goba a laeditše bokgoni ka go dinamelwa tša banamedi goba ditaba tša kgwebo goba tša ditšhelete goba tshepedišo ya ditaba tša setšhaba.

(3) Molekgotla-Phethišo o tla bea o tee wa maloko go ba modulasetulo wa Lekgotla-Diphetho.

(4) Dikarolo 3(2) go ya go (6), 5, 6 le 7 di tlo, ka diphetogo tšeo di nyakelwago diteng, dirišwa mabapi le Lekgotla-Diphetho.

Dikopano tša Lekgotla-Diphetho

11. (1) Kopano ya mathomo ya Lekgotla-Diphetho e tlo swarwa ka tšatšikgwedi le ka nako le lefelong leo modulasetulo a tlago go beakanya, gomme dikopano ka moka ka morago ga fao di tlo swarwa ka tšona ditšatšikgwedi tšeo le ka dinako le mafelong ao modulasetulo a tlago go a beakanya ka poledišano le Lekgotla-Diphetho.

(2) Ge modulasetulo a se gona kopanong ya Lekgotla-Diphetho, maloko ao a lego gona a swanelwa ke go kgetha o tee gare ga palomoka ya bona go swara kopano.

(3) Tshepedišo kopanong ya Lekgotla-Diphetho e tlo, go ya ka karolo ye, beakanywa ke modulasetulo ka tirišano le Lekgotla-Diphetho, gomme sephetho sefe le sefe tabeng ye se tla tšewa ka morago ga kelohloko ya tshwanelo ka ga pulego le ntšhetšonyanyeng.

(4) Khoramo ya kopano ya Lekgotla-Diphetho e tla ba bontši bja maloko a Lekgotla-Diphetho.

(5) Sephetho sa Lekgotla-Diphetho se tlo tšewa ka bontši bja dibouto tša maloko ao a lego gona kopanong ya Lekgotla-Diphetho gomme fao dibouto di lekanago godimo ga taba efe le efe, modulasetulo o tla ba le bouto ya maripaganyo go tlaleletša bouto ya maikemišetšo.

Boipiletšo go Lekgotla-Diphetho

12. (1) Ntle le ka mokgwa o mongwe woo o beakanyeditšwego ka gare ga Molao wo le go ya ka karolwanna (2), motho yoo-

(a) a ilego go ya ka Molao wo goba Molao wa Thwalo-Ka-Tsela, 1977, a kgopela go Boto go fiwa, mpshafatša, fetoša goba go šuthišetša phomete goba yoo phomete ya gagwe e gomišitšwego, fetošwa goba ya fegwa ke Boto;

(b) e lego moswari wa phomete ya go fiwa ke Boto;

(c) ka mokgwa le gare ga nako yeo e kgethetšwego gwa romelwa dikemelo go Boto go thulanwa goba go thekgwa kgopelo,

gomme e angwa ke tiro, taelo goba sephetho sa Boto, e ka, ka mokgwa le ka gare ga nako yeo e kgethetšwego, ka morago ga ge tiro yeo e dirilwe goba yona taelo yeo e bolelwago goba sephetho se filwe ke Boto, go ipiletšwa kgahlanong le tiro, taelo goba sephetho go Lekgotla-Diphetho.

(2) Fao Boto e tsebišago motho ka ga taelo goba sephetho seo se bolelwago ka go karolwana (1) ka tokumente yeo e ngwadilwego, tšatšikgwedi ya tokumente yeo e tla tšewa go ba e le tšatšikgwedi yeo ka yona taelo goba sephetho seo se filwego.

(3) Lekgotla-Diphetho le swanetše go amogela gomme go ya ka dipeakanyetšo tša

karolo ye le melawana,le ele hloko boipiletšo bjoo bo dirilwego go lona go ya ka karolwana (1) gomme le ka, ka boikgethelo bja lona-

(a) gana boipiletšo le go tiišetša tiro, taelo goba sephetho seo go ipiletšwago kgahlanong le sona; goba

(b) amogela boipiletšo, gwa beelwa tiro ka thoko, taelo goba sephetho, gomme

(i) sephetho sa Boto godimo ga tiro, taelo goba sephetho seo Boto e ka bago e se file goba e se dirile sa engwa legato;

(ii) romela taba yeo e tsošitšego boipiletšo go Boto gore e senkwe lefsa;

(c) amogela boipiletšo seripa le go fetoša tiro, taelo goba sephetho seo go ipiletšwago ka sona.

(4) Modulasetulo wa Lekgotla-Diphetho goba leloko la lona leo le kgethilwego ke modulasetulo a ka, ka boikgethelo bja gagwe ntle le pele ga go fa tsebišo pele go goba theeletšo go setho sefe le sefe seo se nago le kgahlego-

(a) fa kgopelo ya kwelobohloko ya go faelwa ga tsebišo ya boipiletšo ka morago ga nako, ge feela e le gore boipiletšo bo filwe ka mokgwa wo o kgethetšwego magareng ga matšatši a 42 ka morago ga ge Boto e dirile tiro goba e file taelo goba sephetho seo go ipiletšwago kgahlanong le sona goba go se gana;

(b) fa goba go gana kgopelo ya go fega modiro wa tiro, taelo goba sephetho sa Boto yeo go ipiletšwago kgahlanong le yona;

(c) beela thoko tiro, taelo goba sephetho sa Boto go ipiletšwago kgahlanong le yona gomme gwa romelwa taba go Boto gore e senkwe lefsa.

(5) Tiro, taelo goba sephetho sa Lekgotla-Diphetho ka karolwana (3)(b) (i) goba (c) se tla, ntle le dinepo tša karolwana (1), tšewa go ba tiro, taelo goba sephetho sa Boto.

(6) Go ya bokgole bjoo maipiletšo mabapi le ditirelo tša dithekisi tša dipeesana di lego ka gona, karolo ye e tlo dirišwa fela fao ditirelo tša dithekisi tša mohuta wa dipeesana di dirišwago ka gare ga Profense.

Badiredi ba Lekgotla-Diphetho

13. Hlogo ya Kgoro o swanetše, go ya ka melao yeo e laolago tirelo ya mmušo, go fa badiredi bao ba nyakegago go ka thuša Lekgotla-Diphetho go dira mediro ya lona.

KGAOLO 4

PEAKANYO YA DINAMELWA

Ditheo-kakakretšo tša peakanyo ya dinamelwa, le tswalano ya yona le tlhabollo ya naga

14.(1) Go ya ka karolo ye, peakanyo ya dinamelwa tša naga e swanetše go dirwa bjalo go akaretšwa bobedi dinamelwa tša poraebete le tša setšhaba le mehuta ka moka ya dinamelwa tša naga tše di lego maleba mo lefelong le le amegago, le gona e swanetše go lebelela tsela ya go kgontšha ye kaone le go boloka ya go sepela go tloga felo go ya felo mo peakanyong.

(2) Peakanyo ya dinamelwa tša naga e swanetše go kopantšhwa le tshepetšo ya tlhabollo ya naga. Go direla morero woo, dipeakanyo tša dinamelwa tše nyakwago ke Molao wo di swanetše go akaretšwa ka go le go ba karolo ya dipeakanyo tša tlhabollo tše kopanego tšeo, go ya ka melao ya maleba ya mmušo-selegae di swanetšego go beakantšwa ke bomasepala.

(3) Dipeakanyo tša dinamelwa di swanetše go hlabollwa go-

(a) oketša tšhomo ya maleba ya ditoropokgolo, ditoropo le mafelo a selegae ka dipeakanyo tše kopanego tša popego ya dinamelwa le ditlabelo, ditirelo tša dinamelwa go akaretša tshepetšo ya merwalo, ditirelo tša thoto le ditirelo tša dinamelwa tša setšhaba mo kamanong ya dipeakanyo tša tlhabollo le maikemišetšo a tlhabollo ya naga ao a beilwego go ya ka karolo 27 ya Molao wa Nolofatšo ya Tlhabollo, 1995, goba, moo go kgonegago, maikemišetšo a tlhabollo ya naga a mohuta woo o beilwego go ya ka melao ya maleba ya profense;

(b) dikgoba le ditiro tša molaleng tša thwalo, tšeo ditšhomišo tša naga tše kopanego le tlhabollo ya kitelano ya godimo ya bodulo go ya go mekgolokgotha ya dinamelwa tša setšhaba tša go nyakega kudu tše di kopantšwego ka dinoko tša tlhabollo magareng ga mekgolokgotha, le go se hlohleletše phathankgano ya sekgoweng moo ditirelo tša dinamelwa tša setšhaba di sego kaalo;

(c) go bea pele tlatšo le kitelano mo go mekgolokgotha ya dinamelwa tša setšhaba;

(d) go bea pele kudu go dinamelwa tša setšhaba go feta dinamelwa tša praebete go netefatša gore kabelo ya ditirelo tše lekanetšego tša dinamelwa tša setšhaba le go diriša magato a taolo ya nyakego ya tshepetšo go go se hlohleletše dinamelwa tša praebete;

(e) oketša phihlelelo ya ditirelo le ditlabela tša dinamelwa tša setšhaba; le

(f) fokotša thulano ya kganetšano mo tikologong.

(4) Peakanyo ya dinamelwa tša setšhaba e swanetše go bonwa bjalo ka tshepetšo ye e tšwelago pele yeo balaodi ba peakanyo ka bokgoni ba hlabollago le go diriša ditirelo tše kopanego tša dinamelwa tša setšhaba mafelong a bona.

(5) Ge e se fela go laetša gore ga se maleba goba ga go kgonagale mabakeng ao, taolo ya peakanyo, ka go beakanya peakanyo efe le efe ya dinamelwa tša setšhaba goba peakanyo ye e kopanego ya dinamelwa, e swanetše go netefatša ditlemagano le kopantšho ka go le magareng ga mehuta ya dinamelwa tša naga ka maikemišetšo a go kgontšha phihlelelo le tšhomišo ya ditirelo tša dinamelwa tša setšhaba, ditlabelo le popego.

Tlhako ya dinamelwa tša naga tša profense

15. (1) Molekgotla-Phethišo o swanetše, ngwaga ka ngwaga, e se go morago ga tšatšikgwedi yeo e kwanetšwego le Tona, go beakanya tlhako ya profense ya dinamelwa tša naga ya paka ya mengwaga ye mehlano ya go thoma ka letšatši la mathomo la ngwaga wo o latelago wa ditšhelete, go ya ka

dipeakanyetšo tša karolwana (2) le gona go ya ka tlhahlo ya le ka tsela yeo le mokgwa ka ge ka kakaretšo e kgethetšwe ke Tona, le gona o swanetše ka nako yona yeo go tliša khopi ya tlhako yeo go Tona.

(2) Tlhako ya profense ya dinamelwa tša naga e swanetše go šoma go hlahla dinamelwa tša naga mo profenseng, go akaretša dinamelwa tša naga tša go ya le go tšwa dinageng tša kgauswi.

(3) Tlhako ya profense ya dinamelwa tša naga e swanetše go-

(a) se fetoge le tebelelo ya semmušo ya profense, molao le maikemišetšo;

(b) hlaola diphetogo tša maikemišetšo a profense a dinamelwa tša naga le maano a go tloga ka peakanyo ya mengwaga ye mehlano ye e fetilego;

(c) akaretša lenaneo la tše bohlokwa leo le laetšago, go ya ka tatelano, kopafatšo ya diprotšeke le dikarolo tša diprotšeke tšeo di swanetšego go dirwa pakeng yona yeo ya mengwaga ye mehlano, le tšhelete yeo e tee e ka go e bitša. Kopafatšo ye e swanetše go akaretša diprotšeke tšeo di bontšhitšwego go dipeakanyo tša dinamelwa tša naga le dipeakanyo tša dinamelwa tše kopanego ka mo go profense. Lenaneo le le swanetše go beakanywa ka go lebelela dipeakanyo tša maleba tša tlhabollo ye e kopanetšwego yeo e beakantšwego go ya ka molao ofe le ofe wa maleba wa mmušo-selegae le maikemišetšo a maleba a tlhabollo ya naga ao a beilwego go ya ka karolo 27 ya Molao wa Nolofatšo ya Tlhabollo, 1995, goba, moo go kgonegago, maikemišetšo a tlhabollo ya naga a mohuta woo ka ge a beilwe go ya ka molao wa profense;

(d) hlatholla magato ao a tlogo tšewa ke profense ka maikemišetšo a go netefatša kgomagano ya maleba magareng ga dipeakanyo tša dinamelwa balaodi ba dipeakanyo go ya ka moo profense e nago le maatlataolo, moo go kgonegago;

(e) bea dinyakwa tše akantšwego tša thušo ya mašeleng tša mengwaga e mengwe le e mengwe ye mehlano, le go bontšha methopo yeo dithušo tšeo mašeleng a a nyakegago a emetšwego go hwetšwa;

(f) akaretša tekanyetšo ye e otlologilego ya profense mabapi le dinamelwa tša naga tša ngwaga wa ditšhelete wa maleba ka tsela yeo e kgethilwego ke Tona;

(g) tšweletša maano a profense a ditšhelete a go thuša diprotšeke ka mašeleng ka nako ye kopana;

(h) bea leano la kakaretšo goba peakanyo ya tshepetšo ya morwalo wa kotsi ka tsela mo tseleng tše hlaotšwego;

(i) bea ditšhupo tša ditiro tše kgolo tšeo di swanetšego go šomišwa go lekanya tiro ya balaodi ba dipeakanyo ka mešomo ya bona le maikarabelo go ya ka Molao wo; le

(j) moo molao wa profense o nyakago gore taba efe le efe ye kopana e šogwe ka tlhako yona yeo, šoga taba yeo ka go latela molao woo.

(4) Tlhako ya profense ya dinamelwa tša naga ye e tlišitšwego go Tona go ya ka karolo ye e swanetše go felegetšwa ke dikhopi tša dikwano ka moka tša dinamelwa tša gare ga diprofense tše di kwanetšwego magareng ga profense le di profense tše dingwe.

Mehuta ya dipeakanyo tše nyakwago ke Molao wo

16. (1) Dipeakanyo tše di latelago di a nyakega ka lebaka la Molao wo:

(a) Direkoto tša bjale tša dinamelwa tša setšhaba tšeo di beakanyeditšwego go karolo 18.

(b) Maano a ditumelelo a a beakanyeditšwego go karolo 19.

(c) Dipeakanyo tša rašenaleseišene tše beakanyeditšwego go karolo 20.

(d) Dipeakanyo tša dinamelwa tša setšhaba tše di beakanyeditšwego go karolo 21.

(e) Dipeakanyo tša dinamelwa tše kopanetšwego tše di beakanyeditšwego go karolo 22.

(2) Tshepetšo e thoma ka peakanyo ya rekoto ya bjale ya dinamelwa tša setšhaba yeo e beakanyago theo ya tlhabollo-

(i) leano la ditumelelo;

(ii) peakanyo ya rašenaleseišene pele ga tshepetšo ya go thendarela dikontraka tša ditirelo tše thušwago ka mašeleng tšeo di beakanyeditšwego go theo ya dinamelwa tša setšhaba;

(iii) peakanyo ya dinamelwa tša setšhaba.

(a) Peakanyo ya rašenaleseišene ke theo ya makatika mola e le gore peakanyo ya dinamelwa tša setšhaba le theo ya dinamelwa tše kopanetšwego ke dipeakanyo tša maano le tirišo.

(3) Ditirelo tša maeto a matelele, ditirelo tša lengwalo la tumelelo, ditirelo tša bašomi le ditirelo tša boeti ga tša swanelwa go beakanyetšwa goba go ba karolo ya efe le efe ya dipeakanyo tšeo di boletšwego go karolwana (1).

(4) Pele ga goba ka tšatšikgwedi yeo e kgethilwego go ya ka karolo 15(1) taolo ya dipeakanyo e swanetše go ba le tsebišo, ka Sekgowa le bonnyane e tee ya dipolelo tša semmušo, yeo e gatišitšwego go kuranta yeo e rarelago mo lefelong la taolo ya dipeakanyo le gona e bontšha gore peakanyo yeo e bolelwago e feditšwe le gona e gona go lekolwa mo lefelong leo le tšweleditšwego ka go tsebišo.

(5) Molekgotlaphethišo a ka beakanyetša thušo ya ditšhelete goba ye nngwe le ye nngwe go balaodi ba dipeakanyo go ba thuša go fihlelela ditlamego tša bona ka fase ga karolo ye.

(6) Moo taolo ya dipeakanyo e ka se kgonego goba e sa phethagatšwego ditlamego tša yona go ya ka karolo ye, Molekgotlaphethišo a ka dira go ya ka dipeakanyetšo tša karolo 139(1) ya Molaotheo, woo o rago go bala diphetogo tše di lego maleba mo kamaganong.

Balaodi ba dipeakanyo

17. (1) Dipeakanyo tše di akantšwego go karolo 16(1)(a) le (b) le, mo go kgonegago, karolo 16(1)(c), (d) le (e), di swanetše go beakanywa ke balaodi ba ba latelago, ba tla tsebegago ka balaodi ba dipeakanyo:

(a) Ditoropokgolo tša gare tšeo di hlaotšwego ka fase ga karolo 4 ya Molao wa Dinamelwa tša Motsetoropo, 1977 go ya ka MTA;

(b) Bomasepala ba bangwe ka go Profense bao mafelo a bona a maatlataolo a se go a akaretšwa ka bophara goba seripa ka go MTA, le gona Molekgotlaphethišo o hlaola morero wo ka tsebišo ka go Kuranta ya Profense-

(i) ka kwano le Tona; le

(ii) ka lebaka la nyakego le kabelo ya dinamelwa tša setšhaba go ya le go tšwa go lefelo le ditiro tša dinamelwa tša banamedi ka lefelo le.

Bomasepala ba ba hlaotšwego ba swanetše go beakanya dipeakanyo tša maleba tša mafelo a a fapanago a tikologosemolao.

(2) (a) Balaodi ba peakanyo ba ka tsenela dikwano le balaodi bafe le bafe ba peakanyo goba kgoro go e thuša go phethagatšeng mešomo ya yona go ya ka karolo ye.

(b) Le ge go le bjalo, kwano ya mohuta wo ga e tloše balaodi ba peakanyo go maikarabelo a mafelelo a mešomo yeo e e filwego ke karolo ye.

Direkoto tša bjale tša dinamelwa tša setšhaba

18. (1) Ka pela ka moo go ka kgonegago morago ga go thoma ga Molao wo, eupša e se go ka morago ga tšatšikgwedi yeo e ka go kgethwa ke Molekgotlaphethišo ka go rerišana le Tona, taolo efe le efe ya dipeakanyo e swanetše go beakanyetša lefelo la yona rekoto ya bjale ya dinamelwa tša setšhaba yeo e kwanago le dinyakwa tša karolo ye.

(2) Rekoto ya bjale ya dinamelwa tša setšhaba e swanetše go beakanywa go ya ka tokumente ye theilwego " Dinyakwa le Popego ya Peakanyetšo ya Rekoto ya Bjale ya Dinamelwa tša Setšhaba ka Metsetoropo ya Gare" yeo e gatišitšwego ka go Kuranta ka la 22 Mei 1998 ka fase ga Tsebišo-Kakaretšo 847 ya 1998, ka go hlokomela diphetogo tše di lego maleba ka mo kamaganong, le go laetša-

(a) ditirelo ka moka tšeo di sepetšwago ka mo lefelong la balaodi ba peakanyo:

(i) Ditirelo ka moka tše beakantšwego tšeo di-

(aa) abjago go ya ka dikontraka tša motšwaoswere;

(bb) abjago go ya ka dikontraka tša bjale tše thendarilwego;

(cc) sepetšwago ke mosepediši wa dinamelwa tša masepala yo a le go gona;

(dd) sepetšwago ke mosepediši wa dinamelwa tša sekammušo yo a lego gona;

(ee) sepetšwago go ya ka diphomete goba ditumelello moo tirelo e lego ya tshepedišo ya tšatši ka tšatši;

(ff) sepetšwago bjalo ka ditirelo tša bašomi tšeo di nago le seabe go peakanyo ya dinamelwa tša setšhaba;

(gg) ditirelo tša dinamelwa tša setšhaba tša mokgwa ofe le ofe tšeo di abjago go ya ka kontraka go taolo efe le efe ya kontraka;

(hh) abjago ke mosepediši ofe le ofe goba ka tsela efe le efe, e ka ba semolao goba e se go semolao.

(ii) Ditirelo ka moka tše sa beakanyetšwago-

(aa) tša tshepedišo ya tšatši ka tšatši goba ye e se go ya tšatši ka tšatši, yeo e dirwago ka fase ga taolo ya diphomete le go fetolelwa go ditumelelo go ya ka karolo 35;

(bb) dirwago bjalo ka ditirelo tša dithekisi tša methara ka fase ga taolo ya diphomete goba ditumelelo;

(cc) abjago ke mosepediši ofe le ofe goba ka tsela efe le efe, e ka ba semolao goba e sego semolao.

(iii) Ditirelo ka moka tše beakantšwego, ditirelo tše di sa beakanywago tša dithekisi tša methara tše di abjago go ya ka tirelo ya dikontraka tša khomese; le

(b) ditlabela ka moka le meagokgoparara ye e lego gona le go šomišwa mo lefelong le le amegago ka lebaka la goba mabapi le ditirelo tša dinamelwa tša setšhaba tšeo di boletšwego ka go ditemanyana (i) go fihla go (iii) tša temana (a), gammogo le ditlabela le meagokgoparara tšeo di hlabollwago morero woo goba mabapi le ka go lefelo leo le amegago.

(3) Direkoto tša bjale tša dinamelwa tša setšhaba-

(a) di swanetše go tlišwa go Molekgotlaphethišo ke balaodi ba dipeakanyo e sego ka morago ga tšatšikgwedi yeo e kgethetšwego morero woo ke Molekgotlaphethišo ka kwano le Tona ya le go tsebišwa ke Molekgotlaphethišo ka tsebišo ka go kuranta ya profense;

(b) e swanetše go tsošološwa ke balaodi ba dipeakanyo kgafetšakgafetša ka go ngwala diphetogo ka go kabelo ya ditirelo tša dinamelwa tša setšhaba mabapi le mafelo a tšona, go hlokomelwa magareng ga tše dingwe go diphetogo, tšhothišo, phego phetšo, tlošo le kabelo ya diphomete le ditumelelo ke boto ya ditumelelo;

(c) hlama peakanyo ya tlhabollo ya maano a ditumelelo, dpeakanyo tša kabaganyo le dipeakanyo tša dinamelwa tša setšhaba.

Maano a ditumelelo

19. (1) Ka maikemišetšo a go netefatša ditigelo tša balaodi ba peakanyo go boto ya ditumelelo di ka kgontšha gore boto, ka go fediša dikgopelo mabapi le ditumelelo, go fihlelela tekano magareng ga kabelo le nyakego ya dinamelwa tša setšhaba yeo bobedi e kgontšhago ebile e kgonago, taolo efe le efe ya peakanyo e swanetše go, ge go se na peakanyo ya dinamelwa tša setšhaba, beakanya peakanyo yeo e tsebegago ka leano la ditumelelo leo le nago le go bea maikemišetšo a taolo ya dipeakanyo le maano a a amanago le yona go-

(a) karolo ya mohuta ofe le ofe wa senamelwa go ya lefelo la sona;
(b) mabaka ao ditumelelo goba diphomete tšeo di dumelelago tšhomišo ya senamelwa sa setšhaba ka gare go karolo efe le efe ya lefelo la yona; e tla go dumelelwa;
(c) tšhomišo ya ditlabelwa tša dinamelwa tša bohle ka go lefelo la yona;
(d) kefogo ya phenkgišano ya tshenyo magareng ga baotledi ba dinamelwa;
(e) phetšo ya ditirelo tša dikontraka tša khomese tša ditirelo tša dinamelwa tša bohle tšeo di sa thušwego ka mašeleng; le
(f) mabaka ao e ka go rata boto ya ditumelelo go gapeletša go ya ka ditumelelo.

(2) Taolo efe le efe ya dipeakanyo e swanetše go netefatša gore leano la yona la ditumelelo le bewa tshedimošo nakong kgafetšakgafetša le go tiišetšwa gantšhi, le gona gabotse gabedi ka ngwaga.

Dipeakanyo tša kabaganyo

20. (1) Moo go šišintšwego gore tirelo ya senamelwa sa setšhaba yeo e šomišwago go ya ka kontraka ya bjale ye e thendarilwego, goba ka kontraka ya motšwaoswere goba mosepediši wa masepala goba wa seka-mmušo, e tšwetšwe pele, morago ga go fela ga kontraka mabapi le ka moo e šomišwago, go ya le ka kontraka ya tirelo yeo e thušwago ka mašeleng, taolo ya peakanyo yeo ka go yona tirelo e sepetšwago e swanetše go beakanya peakanyo ya rašenaleseišene, go e tliša go Molekgotla-Phethišo, pele ga ge tirelo yeo sepetšwago go ya ka kontraka ya tirelo ye e thušwago ka mašeleng, e bewa go theetšo ya bosetšhaba ka maikemišetšo a go:

(a) fokotša bogolo bja thušo ya mašeleng;
(b) efoga phenkgišano mo tseleng magareng ga ditirelo tše thušwago ka mašeleng;

(c) beakanya dikontraka tša tirelo tše thušwago ka mašeleng ka tsela yeo e le gore e tla goga pitšo ya maleba ya phegišano ke boradithentara ba nago le maswanedi;

(d) netefatša gore ditsela le dikgokagano tša ditsela di šomišwa ka botlalo go fihlelela dinyakwa tša banamedi ka bokgoni; le

(e) go kgontšha tlhabollo ya ka moso ya tshepedišo ye e kopanego ya dinamelwa tša setšhaba.

(2) Kabaganyo ye nngwe le ye nngwe e swanetše go latelwa ke peakanyo ya dinamelwa tša setšhaba, e efa seabe sa tšhomišo go peakanyo ya kabaganyo.

(3) Peakanyo ya kabaganyo e swanetše go ba le-

(a) diphetogo tšeo di šišintšwego go ditsela tše di lego gona goba dikgokagano goba bobedi;

(b) diphetogo tše di šišintšwego go bogolo bja nametšo ya banamedi di fiwa mo ditseleng, goba dikgokaganong, goba bobedi

(c) tsela yeo e šišintšwego go peakanyo ya dikontraka go thentarwa go go phenkgišanwago;

(d) ditlamorago tše kaone go kabaganyo mo go mehuta ye e fapanego ya dinamelwa;

(e) tšhupetšo ya dikaonafatšo tše di tla go dirwa go thuša banamedi;

(f) tšhupetšo ya ditšhitišo tšeo di bonwego pele ga nako mabapi le tirišo ya ya dipeakanyo le maano ao a šišintšwego go di rarolla.

Dipeakanyo tša dinamelwa tša setšhaba

21. (1) Taolo ya dipeakanyo yeo e beakantšego theo ya kabaganyo e swanetše go beakanya peakanyo ya dinamelwa tša setšhaba ka maikemišetšo a go kgetha le go hlaola ditirelo tša dinamelwa tša setšhaba tšeo e nyakago di fiwa-

(a) go ya ka dikontraka tša tirelo ya khomese go-

(i) ditirelo tše beakantšwego;

(ii) ditirelo tše sa beakantšwago;

(iii) ditirelo tša dithekisi tša methara.

(b) go ya ka dikontraka tša tirelo ye e thušwago ka mašeleng go ditirelo tše beakantšego;

(c) bjalo ka ditirelo tše se nago kontraka tša-

(i) ditirelo tše beakantšwego;

(ii) ditirelo tše sa beakantšwago;

(iii) ditirelo tša dithikisi tša methara.

Le go na otlelwa ntle le thekgo ya mašeleng e sego ao a fiwago go ya ka kontraka ya tirelo ya khomese yeo e akanywago go temana ya (a)

(2) Peakanyo ya dinamelwa tša setšhaba e swanetše go beakanywa ka maikemišetšo a go hlabolla le go dirišwa go kopanyo ya ditirelo tša dinamelwa tša setšhaba le gona e be le-

(a) Maano a ya taolo ya peakanyo, maikemišetšo le diphihlelelo tša dinamelwa tša setšhaba mo lefelong la yona.

(b) Maano a taolo ya peakanyo go-

(i) kgatha tema ya mohuta ofe le ofe;
(ii) fokotša bogolo bja thušo ya mašeleng le go oketša tsamaišo ya khomese.
(iii) Thibela phegišano ya go senya mo tseleng magareng ga ditirelo tša dinamelwa tša setšhaba;
(iv) Beakanya kontraka ya tirelo yeo e thekgwago ka mešeleng le dikontraka tša tirelo ka tsela ya go goketša pitšo ya phenkgišano ka borathentara ba ba nago le maswanedi;
(v) Netefatša go ditsela le dikgokagano di a tlabelwa go fihlelela dinyakwa tša banamedi ka bokgoni; le
(vi) nolofatša tlhabollo ya ka moso ya tshepedišo ya dinamelwa tša setšhaba tše kopanetšwego.

(c) Peakanyo ya tirelo ye e akaretšago-

(i) dikontraka ka moka tše ukangwago go karolwana (1((a) le (b);
(ii) leano le ditumelelo tša ditirelo tše ukangwago go karolwana (1)(c).

Dipeakanyo tša dinamelwa tše kopanego

22. (1) Molekgotlaphethišo a ka nyaka balaodi ba pekanyo go beakanya ngwaga ka ngwaga, e se go morago ga matšatši a 60 pele ga mathomo a ngwaga wa maleba wa dišhelete, go mafelo a a fapanego, dipeakanyo tša dinamelwa tše kopanetšwego go paka ya mengwaga ye mehlano go thoma ka letšatši la mathomo la ngwaga wa ditšhelete-

(a) go ya ka ditlhahlo le tsela yeo le mokgwa ka ge ka botlalo o kgethetšwe ke Molekgotlaphethišo; le
(b) yeo e kwanago le karolwana (2), le gona ka nako e tee tliša peakanyo yeo e beakantšwego go Tona.

(2) Peakanyo ya dinamelwa yeo e kopantšwego e swanetše go-

(a) sepelelana le maikemišetšo a setšhaba le profense le pono ya semmušo ya balaodi ba dipeakanyo, pholisi le maikemišetšo, tlhompho e le gona go peakanyo ya tlhabollo ye e kopanetšwego ya maleba goba maikemišetšo a tlhabollo ya naga;
(b) hlaola diphetogo go maikemišetšo a dinamelwa tša naga tša balaodi ba peakanyo le maano go tloga go peakanyo ya mengwaga ya mehlano ya go feta;
(c) akaretša lenaneo la dilo tše bohlokwa le le laetšago go ya ka tatelano, diprotšeke le dikarolo tša diprotšeke tše di swanetšego go dirwa pakeng yeo ya mengwaga ye mehlano, le gore e tee e nyaka bokae. Lenaneo le le swanetšego go beakanywa go lebeletšwe dipeakanyo tša tlhabollo yeo e kopantšwego tšeo di beakantšwego go ya ka molao ofe le ofe wa maleba wa mmušo-selegae le maikemišetšo a maleba tša tlhabollo ya naga a a beilwego go ya ka karolo 27 ya Molao wa Nolofatšo ya Tlhabollo, 1995, goba, moo go kgonegago, maikemišetšo a tlhabollo ya naga ya mohuta woo ka ge e beilwe go ya ka molao wa profense;

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(d) bea dinyakwa tše akantšwego tša thušo ya mašeleng tša ye nngwe le ye nngwe ye mehlano, le go bontšha methopo yeo go tšwa go yona dithušo tšeo tša maleba di akanywago go hwetšwa gona;

(e) akaretša tekanyetšo ye e otlologilego ya balaodi ba peakanyo mabpi le dinamelwa tša naga ya ngwaga wa ditšhelete wa maleba ka sebopego seo se kgethilwego ke Molekgotlaphethišo;

(f) bontšha maano a tšhelete a taolo ya dipeakanyo go thuša diprotšeke ka mašeleng ka nako ye kopana;

(g) akaretša theo ya dinamelwa tša setšhaba ya balaodi ba peakanyo

(h) bea leano la kakaretšo la taolo ya nyakego ya tshepetšo; le

(i) bea leano la kakaretšo goba peakanyo ya tshepetšo ya merwalo ya kotsi mo tseleng go ditsela tše hlaotšwego.

Ditheo-kakaretšo tša Profense le maikemišetšo bakeng sa dinamelwa tša naga ka dikamano tša tlhabollo

23. (1) Molekgotlaphethišo ka tsebišo ka go kuranta ya profense, a ka-

(a) kgethela ditebanyo tša dinamelwa tša naga ka mo profenseng tšeo di sa sepelelanego le ditebanyo tša kakaretšo tšeo di boletšwego go karolo 2 goba maikemišetšo ao a tsebišitšwego goba go ya pele a kgethilwego ke Tona, yeo e thekgago tlhabollo; le

(b) gatiša ka go kuranta ya profense, bakeng sa tshedimošo ya bohle, maikemišetšo a profense a a amanago le dinamelwa tša naga tabeng tša tlhabollo ya lefelo goba taba efe le efe ka fao yeo e sepelelanago le ditheo tša maikemišetšo a a dinamelwa tša naga tša setšhaba tšeo di kgethilwego ke Tona tšeo go tšona maikemišetšo a profense a swanetšego go dirišwa le gona obamelwa ka go profense.

Dikgohlano magareng ga peakanyo ya dinamelwa le dinepo tša tlhabollo ya naga goba dipeakanyo

24. (1) Taolo ya peakanyo efe le efe e swanetše go netefatša gore peakanyo efe le efe ya dinamelwa yeo e beakantšwego go ya ka Molao ga e sepelelane le maikemišetšo a tlhabollo ya naga ao a beakantšwego ka fase ga karolo 30 ya Molao wa Nolofatšo wa Tlhabollo, 1995, goba moo go kgonegago, molao wa profense, goba ka peakanyo ya tlhabollo ye e kopantšwego e dirwa go ya ka molao ofe le ofe wa maleba wa mmušo-selegae.

(2) Moo peakanyo ya dinamelwa e beakantšwego go ya ka Molao wo e sa sepelelane le maikemišetšo a a le go gona a tšwelopele ya naga, goba peakanyo ye e lego gona ya tšwelopele ye e kopanetšwego ya masepala, le gona taba e ka se rarollwe magareng ga taolo ya peakanyo le masepala, taolo ya peakanyo e swanetše go lebiša taba ye go Molekgotlaphethišo yo a swanetšego go tšea sephetho ka taba ye ka go rerišana le Molekgotlaphethišo yo a lebeletšego merero ya naga.

(3) Ga go peakanyo ya dinamelwa yeo e ka go dirwa ka ntle le ge go bile le therišano le dihlopha tše di nago le kgahlego tša maleba ka tsela yeo e kgethilwego.

Maatla a Leloko la Lekgotlaphethišo go dira melawana mabapi le peakanyo ya dinamelwa

25. (1) Molekgotlaphethišo, ka tsebišo ka go kuranta ya profense, a ka dira melawana-

(a) go kgethela dinyakwa mabapi le ditshepedišo tša, le peakanyo tša, le puseletšompshafatšo, bea tshedimošo nakong le diteng tša dipeakanyo tša dinamelwa tše nyakwago ke Molao wo;

(b) go kgethela ditlhahlo go kabelo ya ditirelo le dinolofatši tša dinamelwa tša setšhaba ka ditaolo tša peakanyo le go laolela tšhomišo ya tšona ka gona;
(c) mabapi le kgokagano ya dinamelwa tša naga mafelong ka moka ka fase ga taolotoka ya profense.
(d) mabapi le ditaba goba a mabaka a profense go elwa hloko go beakanyetša maano a ditumelelo, dipeakanyo tša dinamelwa tša setšhaba goba dipeakanyo tša dinamelwa tše kopanetšwego; le
(e) kgethela taba ye nngwe le ye nngwe, go ya ka Kgaolo ye, e ka goba e swanetše go kgethelwa ke Molekgotlaphethišo.

KGAOLO 5

PEO YA MORETŠISETARA WA DITHEKISI TŠA PROFENSE LE NGWADIŠO YA MEKGAHLO, MALOKO LE BA-SE-BE-MALOKO

Moretšisetara wa Profense wa dithekisi

26. (1) Moretšisetara o swanetše go bea motho wa go itekanela wa go swanela bjalo ka Moretšisetara wa Dithekisi tša Profense yoo a swanetšego go dira mediro yeo a e filwego goba a e apešitšwego ka Molao wo, yo a swanetšego go šomiša maatla, mešomo le mediro ya ofisi yeo ka boikemo, toka le go se tšee lehlakore.

(2) Moretšisetara o tla swara ofisi paka yeo e sa fetego mengwaga e mehlano, bjalo ka ga Molekgotla-Phethišo a ka beakanya ka nako ya peo ya gagwe, gomme o tla ba le maswanedi a go bewa gape mafelelong a paka ya ofisi ya gagwe.

(3) (a) Ga go motho yo a ka bewago go ba Moretšisetara ge yena motho yoo e ka ba ka boyena goba mogatšagwe, leloko la kgauswi la lapa, mogwera kgwebong goba mogwebišani, a humana kganyogo ya ditšhelete ya thwii goba e sego thwii kgwebong efe le efe goba bogwebing bjoo bo amanago le dinamelwa tša batho bohle, yeo e ka, go ya ka mogopolo wa Molekgotla-Phethišo, thulanago goba e tsenatsenanago le phethagatšo ya modiro bjalo ka Moretšisetara.

(b) Go ya ka dinepo tša karolwana ye "mogatša" le "leloko la kgauswi la lapa" a tlo ba le mareo ao a filwego ona ka go karolo 3(5) (b).

(4) Ge Moretšisetara a se gona lebakanyana goba a sa kgone go dira mediro, Molekgotla-Phethišo a ka bea Moretšisetara wa motšwaoswere go šoma lebakanyana legatong la Moretšisetara.

(5) Molekgotla-Phethišo a ka, ka morago ga ge a file Moretšisetara sebaka sa go ka hlalosa taba ya gagwe, kgaola nako efe le efe paka ya ofisi ya Moretšisetara ge a thoma go hloka maswanedi go ya ka karolwana (3) goba godimo ga boitshwarobobe, go palelwa goba tlhokabokgoni.

(6) Ge ofisi ya Moretšisetara e se na motho, Molekgotla-Phethišo o swanelwa ke go tšea magato a go bea kemalegato ka pele.

(7) Moretšisetara ka dinepo tša go dira modiro wa gagwe ka Mmolao wo a ka-

(a) Dumelela motho yoo a amegilego goba a na le kgahlego ka go taba ye, goba kemedi ya motho yena yoo, yeo e matlafaditšwego ka tshwanelo, go itlhagiša pele ga gagwe go-

(i) Fa bohlatse goba go go dira dikemelo tša molomo tšeo di amanago le taba; goba

(iii) bitša dihlatse le go tšweletša bohlatse godimo ga potšišo yeo e lebanego le taba; goba

(iii) botšolliša motho yoo a hlatselago bjalo ka hlatse ka gare ga taba;

(b) ka tsebišo ya go ngwalwa go nyakega motho a hlaga pele ga gagwe go fa bohlatse goba go hlagiša tokumente yeo a nago nayo ka fase ga taolo ya gagwe;

(c) botšiša motho yo a hlagago pele ga gagwe bjalo ka hlatse;

(d) gana go theeletša motho yoo a hlagago pele ga gagwe bjalo ka hlatse yoo a ganago go tšea keno goba go tiišetšwa;

(e) tšeiša keno goba tiišetšo go motho yoo a hlagago pele ga gagwe.

Mediro ya Moretšisetara

27. Moretšisetara o swanetše go-

(a) amogela, senka le go phetha godimo ga dikgopelo tša ngwadišo ya mekgahlo le maloko a yona, mekgahlo ya makgatha-dprofense le maloko a yona, le ba-se-be-maloko ka fase ga Kgaolo ye le go ba ngwadiša le mekgwa e mengwe ya dinamelwa tša batho bohle ka mokgwa woo o kgethetšwego;

(b) eletša Molekgotla-Phethišo ka ga ditaba tšeo di welago ka gare ga bonabo bja Kgaolo ye le go kgokagana le Molekgotla-Phethišo ka tshedimošo godimo ga ditaba tša bohlokwa bja setšhaba phethagatšong ya mediro ya gagwe ka Kgaolo ye;

(c) tšea matsapa ohle a maleba go lekola le go amogela tshedimošo mabapi le go itswalanya le go se itswalanye ga mekgahlo ya go ngwadišwa le ba-se-be- maloko ba go ngwadišwa le dipeakanytšo tša Molaotheo wa Kgonthe le Molao wa Boitshwaro go Ba-se-be-Maloko, bjalobjalo;

(d) thuša tlhatlošong ya ditiro tša profešene ka mekgahlo ya go ngwadišwa, maloko a yona le ba-se-be-maloko;

(e) tšea matsapa ka moka a maleba ao a kwagalago go hlohleletša mekgahlo go ngwadiša go ya ka Kgaolo ye le go fa keletšo le thušo go e kgontšha go kgopela ka katlego go ngwadišweng;

(f) Ka ngwaga, ka pela ka mo go ka kgonegago morago ga ngwaga ofe le ofe wa ditšhelete, Moretšisetara o swanetše go tliša go Molekgotlaphethišo pego mabapi le-

(i) mešomo ya ofisi ya Moretšisetara;

(ii) mešomo ya phanele ya balekodi, le tema tša bona seabe mo go thušeng Moretšisetara go direng mešomo ya gagwe ya ofisi go ya ka kgaolo ye;

(iii) ditaba tša go amana le ngwadišo ya mekgahlo, maloko le ona, ba-se-be-maloko; le

(iv) ditaba tše dingwe tša go bolelega mabapi le goba tša go tšwelela go tšwa go tirišo ya kgaolo ye.

Molekgotlaphethišo o swanetše go aia pego ya Moretšisetara tafoleng go lekgotlapeamelao la profense matšatšing a 21 morago ga go e amogela, ge e le gore lekgotlapeamelao le dutše, goba ge e le gore ga le a dula, matšatšing a 21 a mathomo a a tulo ye e latelago.

(g) ka morago ga poledišano le Sehlopha (ge se le gona), digela go Molekgotla-Phethišo-

(i) palo ya mminnimamo ya maloko yeo mokgahlo o swanetšego go ba le yona gore wo be le maswanedi a ngwadišo;

(ii) paka ya mminimamo yeo mokgahlo o bilego gona gore o be le maswanedi a go ngwadišwa;

(iii) mokgwa wa nyakišišo go mabarebare a tirišompe goba palelo ya go ikamanya le Molaotheo goba Molao wa Boitshwaro go Ba-se-be-Maloko, woo ka wona mokgahlo goba mo-se-be-leloko yoo a ngwadišitšwego go ya ka Molao wo a ukangwago go be a le molato;

(h) nyakišiša, senka le go fa sephetho go-

(i) go ntšhiweng ga ditemošo go mekgahlo le ba-se-be-maloko ba go ingwadiša;

(ii) phego ya ngwadišo ya mokgahlo goba mo-se-be-leloko yo a ngwadišitšwego ;

(iii) ngwadišollo ya mokgahlo goba mo-se-be-leloko yo a ngwadišitšwego;

(iv) go ntšhetša mekgahlo le ba-se-be-maloko ditefišo;

(i) lota databeisi yeo e nago le tshedimošo yeo e kgethegilego;

(j) lekola diphetogo tše akantšwego go ditlhamo tša mekgahlo go netefatša gore diphetogo di kwana le dipeakanyetšo tša Molaotheo wa Maleba.

Mediro ya Leloko la Lekgotla-Phethišo

28. (1) Leloko la Lekgotla-Phethišo le ka kgethela-

(a) Molaotheo-Kemo moo go wona makgotla a a ngwadišitšwego le maloko a a ngwadišitšego a swanešego go o latela;

(b) Mokgwa wa Boitshwaro bakeng sa Bao e sego Maloko woo bao e sego maloko a a ngwadišitšwego a swanetšego go o latela; gomme

(c) Melao-koketšwa -

(i) mo go dinyakwa tšeo ka tšona lekgotla le le ngwadisitswego le swanetše go e latela, ge a sepetša ditaba tša lona;

(ii) mo go dinyakwa tšeo ka tšsona yo e sego leloko le le ngwadišitšwego le swanetše go latela ge a sepetša ditaba tša lona; gomme

(iii) mabapi le tlhohlo ya makgotla, maloko goba bao e sego maloko a tlago hloma boitshwarobobe.

(2) Molaotheo-Kemo o swanetše go latetša goba go ahlaahla ditaba tše latelago :

(a) leina, aterese le nomoro ya ngwadišo ya lekgotla;

(b) popo ya lekgotla;

(c) maikemištšo le ditebanyo tša lekgotla, tšeo di swanetšego go akaretša tebanyo go thibela boitshwarompe mo go seripa ssa maloko a lona;

(d) tikologo ya tikologosemolao ya lekgotla;

(e) popo, peo maatla le mediro ya komitiphethišo;

(f) tlhomo ya dikomiti-kemo,go akaretšwa komiti-kgalemo, komiti ya ditšhelete le komiti-dipelaelo;

(g) mekgwa le ditshepetšo tša tirišo ya boleloko le ditokelo, mediro le lenaneo la maloko;

(h) mekgwa ya le ditaba tše di tlogo šogwa mo dikopanong tša ngwaga le tša kakaretšo e itšego;

(i) ditšhelete le tlhakišo ya ntle;

(j) mokgwa wa phetošo ya molaotheo;

(k) dinyakwa tša momaganyo le makgotla a mangwe;

(l) phatlalatšo ya makgotla;

(m) mokgwa wa boitshwaro, mekgwa ya kgalemo le mekgwa ya boipiletšo;

(n) mekgwa ya boipobolo; gomme

(o) taba efe kapa efe e nngwe ka moo e kgethetšwego.

(3) Leloko la Lekgotla-Phethišo le ka dira melawana -

(a) ya go kgethela mokgwa woo ka wona lekgotla goba yo e sego leloko a swanetšego kgopela bakeng sa ngwadišo;

(b) ya go kgethela ditefo tše di lefegago go Moretšisetara mabapi le kgopelo ya ngwadišo le ditefo tša ngwaga tšeo di kago lefša go Moretšisetara ke lekgotla goba yo e sego leloko;

(c) ya go kgethela foromo le dikagare tša disethifikeiti tša ngwadišo;

(d) ya go kgethela mokgwa wa nyakišišo mo mabarebareng boitshwarompe goba go palelwa bo bolelwago bja lekgotla goba yo e sego leloko go latela dipeakanyetšo tša molaotheo wa lona goba Mokgwa wa Boitshwaro bakeng sa Bao e sego Maloko, ka go latelana;

(e) ya go kgethela paka ya palo ya minimamo ya maloko yeo lekgotla le swanetšego go ba le yona gore le tle le dumelwe bakeng sa ngwadišo;

(f) ya go kgethela paka ya minimamo yeoleloko le swanetšego go be le šetše le le gona gore le tle le dumelelwe bakeng sa ngwadišo;

(g) go dinyakišišong le go dinyakwa malebana le kgopelo ka makgotla mo ditšheleteng tša lona,

Ge fela e le gore melawana ye e fapanego e ka dirwa mo dinageng tše fapanego mo Profenseng.

4. Fela batho le mekgatlo ye e ngwadišitšwego ka fase ga molao wo e tla-

(a) ba le maswanedi a tlhahlo yeo e ka go thušwa ka mašeleng ka botlalo seripa ke Kgoro;

(b) ba le maswanedi a go thušo yeo e ka go abiwa ka maikemišetšo a go tšhomišano ya baswari ba diphomete;

(c) ba le maswanedi a thušo ya ekonomi yeo e ka go abelwa go bašomišani;

dumelelwa go ba leloko la bašomišani;

dumelelwa go dira thentara go dikontraka tša go thušwa ka mašeleng goba

tirelo ya khomese;

(f) ba le maswanedi a mekgwa ye mengwe ya thušo yeo e kago abelwa go baswari ba diphomete le mekgahlo; le

(g) maswanedi a go dira dikgopelo tša phomete.

gwadišo ya makgotla, maloko le bao e sego maloko.

29. (1) Lekgotla goba lekgotla la profense la gare, le leloko lefe le lefe ka gona goba yoo e sego leloko, ba swanetše gore ka mokgwa wo o kgethetšwego gomme ba sepela mmogo le ditefo tša kgopelo, tleše kgopolo ye e ngwadilwego bakeng sa ngwadišo yeo ka go thomeng ga molao wo-

(a) e šetšego e filwe, e tla tšewa go ba e šetše e filwe go ya ka molao wo; gomme

(b) e se ya ba ya feleletšwa, e tla tšewa go ba kgopelo ya ngwadišo go ya ka molao wo.

(2) Moretšisetara o swanetše go fa sethifikeiti sa ngwadišo-peelano le nomoro ya ngwadišo go lekgotla le o mongwe le o mongwe wa maloko a bona yoo godimo ga kgopelo a mo kgotsofaditše-

(a) gore e be e dutše e le gona mo pakeng ya minimamo ye e kgethetšwego: Ge fela e le gore Moretšisetara o tla ba le boikgethelo bja go ngwadiša makgotla ao a bego a šetše a le gona mo paka e nyane moo go ya ka kakanyo ya gagwe se se lokile;

(b) gore palo ya maloko a gagwe a kwana le palo ya minimamo ye e kgethetšwego: Ge fela e le gore Moretšisetara o tla ba le boikgethelo bja go ngwadiša makgotla ka maloko a mmalwa moo go ya ka kakanyo ya gagwe se se lokile bakeng sa mabaka a thutafase goba setšhaba;

Ge fela e le gore ngwadišo-peelano ye e filwego lekgotla e tla fela ge maloko ka moka a lekgotla leo ga sahlo ba hwetša diphomete tša nnete mo go dikgwedi tše tshelelago go tloga ka tšatšikgwedi ya ngwadišo-peelano.

3. Moretšisetara o swanetše go fa sethefiketi sa ngwadišo le nomoro ya ngwadišo go lekgotla goba lekgotla la profense la gare leo mo go kgopelo le kgotsofaditšego moretšisetara gore-

(a) kgale le le gona mo pakeng ya minimamo ye e kgethetšwego, ka taolo ya peakanyetšo mo go karolwana 2 (a);

(b) palo ya maloko e dumelelana le nomoro ya minimamo ye kgethetšwego, ka taolo ya peakanyetšo ya karolwana 2(b);

(c) molaotheo wo o tlišitšwego ke lekgotla o šetše o saennwe e dumeletšwe ke o mongwe le o mongwe wa maloko gon

tlišeditšwe ka gomme o akaretša dipeakanyetšo tša molaotheo-kemo le dinyakwa tše kgethetšwego tše dingwe;

(d) tefo ya go tsenela, ditefo tša boleloko tša ngwaga le ditefo tše dingwe tše di ka lefšago go lekgotla ke maloko a lona ga di fete makximamo wo o kgethetšwego;

(e) leloko le lengwe le le lengwe mabapi le lona kgopelo e dirilwego le na le phomete ya koloi e nngwe le e nngwe yeo e sepetšwago ke yena le gore mediro e mo molaong ka mo go taolo ya diphomete tšeo; gomme

(f) o file ditaba ka moka tše di nyakilwego ke moretšistara goba ka moo di kgethetšwego, gomme ditaba di šetše di kgonthišitšwe ka tsela ye e kgethetšwego.

(4) Moretšisetara o swanetše go fa sethifiketi sa ngwadišo go leloko la lekgotla le le ngwadišitšwego goba lekgotla la profense-gare le le theilwego ka mo go profense yoo mo go kgopelo ka lekgotla leo a ka kgotsofatša moretšisetara gore-

(a) Lekgotla goba lekgotla la profense-gare leo leloko leo e le go la lona le ngwadišitšwego;

(b) Leloko le swere phomete ya koloi e nngwe le e nngwe yeo a e sepetšago gomme le gore ditshepetšo di mo molaong ka mo go taolo ya diphomete tšeo;

(c) Leloko le saenne gomme le dumetše le go latela molaotheo wo o tlišitšwego ke lekgotla le le ngwadišitšwego leo e lego leloko go lona; gomme

(d) Leloko le file ditaba ka moka tše di nyakilwego ke moretšisetara goba ka moo di kgethetšwego, gomme ditaba di šetše di kgonthišitšwe ka tsela ye e kgethetšwego.

(5) Moretšisetara o swanetše go fa sethifikeiti sa ngwadišo go yoo e sego leloko yo a dulago ka mo profenseng yoo mo kgopelong a ka kgotsofatšago moretšisetara gore-

(a) yo e sego leloko o kgopetše go Lengwalo la Maitshwaro leo le šomago ka go profense;

(b) mosebeleloko-

(i) o na le tumelelo ya maleba goba phomete ya mmotoro ofe le ofe woo ka wona mosebeleloko o dirago tirelo ya dinamelwa tša setšhaba; le gona

(ii) o dira tirelo ya dinamelwa tša setšhaba tšeo di amanago le tumelelo ye, go ya ka mabaka a, le maemo ao a filwego go, tokollo ye e filwego ke tumelelo

(c) kgopelo ya ngwadišo e dirilwe-

(i) go Moretšisetara wa profense; le

(ii) ka tsela yeo e beakanyeditšwego ka go Kgaolo ye, e felegetšwa ke tšhelete ya kgopelo yeo e kgethilwego ke Molekgotlaphethišo;

(d) mo-se-be-leloko , ge e le gore ke motho wa molao-

(i) o be a le gona paka yeo e se go ka fase ga paka yeo e kgethilwego ke Molekgotlaphethišo ka tsebišo ka go kuranta ya profense; le

(ii) maloko ao, ge e le gore ke sehlopha goba kopano ye e tswalanago goba e ngwadišitšwe go ya ka Molao wa Dikhampani, 1973 (Molao 61 wa 1973) goba Molao wa Dikoporasi, 1984 (Molao 69 wa 1984) go le bjalo, o sa akaretšego batho ba babedi goba go feta bao, nakong ya go hlama khamphani goba sehlopha se se tswalanago, goba nako efe le efe morago ga fao, e be go e le bašomiši ba ditirelo tša dinamelwa tša setšhaba tšeo di swanago le ditirelo tša dinamelwa tša setšhaba tšeo di šomišwa kekhamphani goba sehlopha se se tswalanago; goba

(e) Ngwadišo ya mokgopedi bjalo ka mosebeleloko e lebanwa ke mabaka a a latelago:

(i) Ga go na mokgahlo wo o ngwadišitšwego mabapi le tsela goba ditsela moo tirelo ya dinamelwa tša setšhaba ya mokgopedi e ka go šomišwa; goba

(ii) moo go na go le mokgahlo wa mohuta wo, ge e le gore-

(aa) mokgopedi o gannwe ka boleloko bja mokgahlo

(bb) mokgopedi ga a fihlelele dinyakwa tša kamogelo ya boleloko ya mokgahlo; goba

(cc) dinyakwa tša kamogelo ya boleloko ya mokgahlo ga se ya toka; goba

(dd) ge go lebeletšwe maemo a a lego gona, mokgopedi a ka se letelwe go ba leloko la mokgahlo; goba

(ee) mokgopedi, ge a amogetšwe go boleloko bja mokgahlo, o tla ba ka fase ga kgethollo ye e sa lokago.

(6) Ge ka morago ga go ahlaahla kgopelo ya ngwadišo, moretšistara a sa kgotsofala gore mokgopedi ga dumelelana le dinyakwa tša ngwadišo, o swanetše go tsebiša mokgopedi ka ga dinyakwa tše a sego a di fihlelela, gomme a ka fa mokgopedi keletšo go ba thušo go dira gore mokgopedi a kgone go tlo fihlela dinyakwa tša kgopelo.

(7) Mo go ngwadišo ya lekgotla makgatha-diprofense goba yoo e sego leloko yoo a sepetšago ditirelo tša taxi tša profenses gare, moretšistara o swanetše go romela kopi ya sethifikeiti sa ngwadišo go moretšistara ka mo go profense e nngwe le e nngwe moo goba g tšwa moo maloko a lekgotla goba yo e sego leloko a šomago.

(8) Lekgotla goba yoo e sego leloko yo a ngwadišitšego ka mo go profense e nngwe o swanetše go saena pego mo go fomo ye e kgethetšwego ya gore lekgotla goba yoo e sego leloko o tla dumelelana le dipeakanyetšo tša mokgwa wa boitshwaro goba mokgwa wa boitshwaro wa bao e sego maloko,

ka go latelana gomme, mabapi le lekgotla, Ditsela tša Kgalemo le Boipelaetšo di tla šomišwa.

(9) Moretšisetara a ka phumola ngwadišo ya lekgotla, leloko goba yoo e sego leloko mo kgopelong, goba moo-

(a) Lekgotla, leloko goba yoo e sego leloko a ntšhitšwego ka mo go retšisetara ka fase ga karolo 33;

(b) Lekgotla le sa hlwego le le gona goba le šuthišeditše lefelo la lona la ditšhomišo ka ntle ga profense.

(c) Leloko goba yoo e sego leloko ga e sa le moswari wa phomete ya nnete ye e akaretšago ditšhomišo tša gagwe.

(10) Moretšisetara o swanetše go tsebiša Boto ka ga phumola ya ngwadišo efe kapa efe ya lekgotla goba ya yoo e sego leloko, moo ka gona Boto e swanetšego go phumola -

(a) diphomete tša maloko ka moka a lekgotla leo, kantle le moo phumolo ya ngwadišo e tlilego ka baka la ge lekgotla le šuthiša lefelo la ona la ditšhomišo go ya ka ntle ga profense,

(b) phomete ya yoo e sego leloko yo a angwago.

(11) Ga go lekgotla le le tlago emelwa mo go iekgotla la thekisi la selegae goba foramo ya dinamelwa tša selegae ye e boletšwego ka mo go molao wo, goba la fa ditefelo malebana le phomete ya dikgopelo ka fase ga molao wo; gomme ga go lekgotla goba yoo e sego leloko a tlago kgethelwa go tlo ipshina ka dithušo tše beakanyeditšwego go ya ka Molao wo ke mmušo, kgoro goba institušene mo lefapheng lefe kapa lefe la mmušo, ka ntle le ge lekgotla leo goba yo e sego leloko a ngwadišitšwe go ya ka Molao wo.

Ditšhupo tše di pharologanyago

30. (1) Moretšisetara a ka hlagiša sešupo goba ditšhupo tša go pharologanya tša koloi e nngwe le e nngwe ye e bego e šomišwa ka semolao ke maloko a a ngwadišitšwego goba bao e sego maloko.

(2) Sethifikeiti sa ngwadišo le sešupo sa pharologanyo se se filwego se tla ba ka sebopego se se kgethetšwego.

Phanele ya Balekodi

31. (1) Leloko la Lekgotla-phethišo le ka bea batho ba bane go ba Phanele ya Balekodi yeo e tlo go tsebja e le Phanele ya Balekodi go eletša Moretšisetara ka ga ditaba tše di lebišitšwego go Phanele ke yena.

(2) Go maloko a Phanele -

(a) leloko le tee le tla emela intasteri ya thekisi ya peesana ya bokgole bjo botelele ya Profense gomme leloko le lengwe le tla emela intasteri ya thekisi ya peesana ya bokgole bjo bokopana ya Profense;

(b) leloko le tee le tla bewa go tšwa go setšhaba sefe kapa sefe ka mo Profenseng go emela banamedi; gomme

(c) leloko le tee le tla ba le tsebo ya goba boitemogelo go tša molao.

(3) Moretšisetara a ka, ka morago ga poledišano le Leloko la Lekgotla-phethišo, kgetha yo a tlago go thuša mo Phaneleng malebana le taba e itšego efe kapa efe, maloko-koketšo ao a sa fetego a mahlano ao a tlago akaretša -

(a) batho ba ba emelago masepala;

(b) batho ba ba emelago ditokelo tša mošomo,

gomme motho yo a kgethilwego bjalo a ka, ka kgopelo ya modulasetulo, kgatha tema le go bouta dikopanong tša Phanele.

(4) (a) Kantle le maloko a a šupeditšwego mo go karolwana (2)(a), ga go yo a tlago bewa go ba a šala e le leloko la Phanele ge a, e ka ba ka boyena goba mogatšagwe, leloko la lapa la kgauswi, moagišani goba motswalle kgwebong, a goba hwetša a na le kgahlego mo tšheleteng thwii goba e sego thwii mo go kgwebo goba papatšo ye e amanago le dinamelwa tša setšhaba goba e le moswari wa ofisi yo a kgethilwego mo lekgotleng, goba o kgokagane le tiro yeo e ka, go ya ka Leloko la Lekgotla-phethišo, thulana goba tshwenyana le phethagatšo ya makgonthe ya mešomo ya gagwe e le leloko la Phanele.

(b) Bakeng sa ditebanyo tša karolwana ye "mogatša" le "leloko wa lapa la kgauswi" di tla ba le ditlhalošo tše di beilwego mo go karolo 3(5)(b).

(5) Maloko le maloko a a kgethilwego a Phanele a tla re mabapi le ditirelo tša bona a amogela moputso le diputseletšo gomme a tla bewa go ya ka dipeano le ditlamo tšeo le dipaka tšeo di tla bego di akantšwe ke Leloko la Lekgotla-phethišo.

(6) Leloko la Lekgotla-phethišo le ka, ka morago ga ge a file leloko la Phanele sebaka sa go bea taba ya gagwe, ka nako efe kapa efe, kgaola paka ya ofisi ya leloko leo ge e le gore le ile la phumolwa go ya ka karolwana (4) goba ka lebaka la boitshwaro-mpe, go palelwa goba go se kgone.

(7) Moretšisetara e tla ba modulasetulo wa Phanele.

(8) Maloko a mararo a Phanele le Moretšisetara a tla bopa khoramo ya dikopano tša Phanele.

(9) Kantle le ge e beakanyeditšwe ke karolo ye, Phanele e laetša tshepetšo ye e tla

šomišwago mo dikopanong tša yona.

(10) Moretšisetara o swanetše go rerišana le Phanele (ge e le gona) pele e ngwadiša, phumola goba go fega mokgahlo ofe kapa ofe.

Go bea tshedimošo nakong

32. (1) Mekgahlo ye e ngwadišitšwego, maloko le bao e sego maloko ba swanetše go tsebiša Moretšisetara ka ga phetogo efe kapa efe ya tshedimošo ye e filwego ka fase ga Kgaolo ye mo matšatšing a 14 a ge phetogo e thoma.

(2) Mekgahlo ye e ngwadišitšwego a swanetše go tsebiša Moretšisetara ka ga sephetho sefe le sefe sa ditshepedišo tša pelaelo le kgalemo mo matšatšing a šupago a sephetho sa maleba se se tšerwego, goba ka ga sephetho sa boipiletšo bjo bo dirilwego.

Go palelwa ga lekgotla goba yoo e sego leloko go dumelelana le molaotheo wa lona goba Mokgwa wa Boitshwaro wa bao e sego maloko, ka go latelana, le maatla a kgalemo a Moretšisetara

33. (1) Moo Moretšisetara a belaelago gabotse gore -

(a) lekgotla le le ngwadišitšwego le paletšwe ke go latela melao ye e beilwego ka gare ga molaotheo wa lona goba ye e kgethetšwego ke Leloko la Lekgotla-phethišo; goba

(b) yo e sego leloko o paletšwe ke go latela Mokgwa wa Boitshwaro wa bao e sego maloko;

o swanetše go nyakišiša taba ka tsela ye e kgethetšwego.

(2) (a) Ge, ka baka la nyakišišo-

(i) lekgotla le le ngwadišitšwego le hweditšwe le paletšwe ke go latela melao ye e beilwego ka gare ga molaotheo wa lona goba ye e kgethetšwego ke Leloko la Lekgotla-phethišo; goba

(ii) Yo e sego leloko a hweditšwego a paletšwe ke go latela Mokgwa wa Boitshwaro wa bao e sego maloko;

gomme Moretšisetara a gopola gore palelo yeo e ka lokišwa, Moretšisetara o swanetše go romela tsebišo ye e ngwadilwego go lekgotla goba yo e sego leloko yo a ngwadišitšego a laela gore molaotheo goba melao ye e kgethetšwego, goba Mokgwa wa Boitshwaro wa bao ba ba sego maloko, ka fao go lego ka gona, e latelwe le go bea magato a a tlogo latelwa mo pakeng ye e boletšwego, le go nyakišiša ge e ba lekgotla goba yo e se go leloko o nyaka thušo go tlo latela se.

(b) Ge tsebišo ye e šupeditšwego mo go temana (a) e sa latelwe,

Moretšisetara o swanetše -

(i) go lefiša faene ye e fetego bokaalo bjo bo boletšwego mo go karolwana (8), goba

(ii) go ntša taelo ye e ngwadilwego ya go fega lebakanyana sethifikeiti sa ngwadišo; goba

(iii) go ntša taelo ye e ngwadilwego ya go phumula sethifikeiti sa ngwadišo;

Ge fela e le gore, ge palelo e le ka baka la ditshepedišo tša bosenyi goba segae ka mo go kgorotsheko, Moretšisetara a ka šuthišetša pele nyakišišo goba dikgato tše dingwe go fihlela ge ditshepedišo di šetše di feditšwe.

(3) Moo ka mabaka a a boletšwego mo go karolwana (2) Moretšisetara o na le kakanyo ya gore palelo e ka se lokišwe, o swanetše go tšea e tee ya magato a a laeditšwego mo go karolwana (2)(b), gomme a ka phumola lekgotla goba yo e sego leloko go tla kgopela ngwadišo gape.

(4) Moo Moretšisetara a tsebišitšwego ke lekgotla le le ngwadišitšwego gore le fegile goba kobile leloko, Moretšisetara o swanetše go fega goba go phumola ngwadišo ya leloko, ka fao go lego ka gona: Ge fela ge Moretšisetara a swanetše go kgotsofala gore tshepetšo ya thupišo ka mo go molaotheo wa lekgotla e šomišitšwe gabotse gomme le gore leloko ga le mo tseleng ya go dira boipiletšo kgahlanong le phego goba go kobja.

(5) Moretšisetara o swanetše gore, ka pelapela ka morago ga go hlagiša taelo ya gore leina la lekgotla goba yo e sego leloko lefe kapa lefe le tlošwe mo retšisetareng, a romele khopi ye e netefaditšwego go Leloko la Lekgotla-phethišo, Boto, masepala wa maleba le dikgoro tša mmušo goba diistitušene ka go fa diholwa goba thušo go lekgotla le le phumotšwego goba maloko a lona goba ye e sego leloko a phumotšwego ka lebaka la go ngwadišwa ga bona.

(6) Lekgotla le maloko a lona go ba yo e sego leloko a tlošitšwego mo go retšisetara, le swanetše go bušetša disethifikeiti tša ngwadišo le ditšhupo tše hlaolago go Moretšisetara tše ba di filwego mo matšatšing a šupago a ge ba amogela taelo ya phumolo ye e saennwego ke Moretšisetara.

(7) Motho yo a hlagišago ka boomo tshedimošo ya maaka goba ya go fapoša go Moretšisetara, goba a palelwa ke go dira modiro wo a o neetšwego ka fase ga Kgaolo ye, o tla bonwa molato gomme o tla ahlolelwa dikotlo tše sa fetego tše di laeditšwego mo go karolo 56.

(8) Moretšisetara, ka morago ga therišano le Phanele, a ka lefiša faene ye e sa fetego R100 000 mo go lekgotla goba yo e sego leloko leo le mo fago tshedimošo ya maaka goba ye e fapošago, goba a palelwa ke go dira modiro wo a o neetšwego ka fase ga Kgaolo ye, faene yeo e swanetšego go lefelwa ka go Sekhwama sa Profense sa Dinamelwa-Setoropong.

šomišwago mo dikopanong tša yona.

(10) Moretšisetara o swanetše go rerišana le Phanele (ge e le gona) pele e ngwadiša, phumola goba go fega mokgahlo ofe kapa ofe.

Go bea tshedimošo nakong

32. (1) Mekgahlo ye e ngwadišitšwego, maloko le bao e sego maloko ba swanetše go tsebiša Moretšisetara ka ga phetogo efe kapa efe ya tshedimošo ye e filwego ka fase ga Kgaolo ye mo matšatšing a 14 a ge phetogo e thoma.

(2) Mekgahlo ye e ngwadišitšwego a swanetše go tsebiša Moretšisetara ka ga sephetho sefe le sefe sa ditshepedišo tša pelaelo le kgalemo mo matšatšing a šupago a sephetho sa maleba se se tšerwego, goba ka ga sephetho sa boipiletšo bjo bo dirilwego.

Go palelwa ga lekgotla goba yoo e sego leloko go dumelelana le molaotheo wa lona goba Mokgwa wa Boitshwaro wa bao e sego maloko, ka go latelana, le maatla a kgalemo a Moretšisetara

33. (1) Moo Moretšisetara a belaelago gabotse gore -

(a) lekgotla le le ngwadišitšwego le paletšwe ke go latela melao ye e beilwego ka gare ga molaotheo wa lona goba ye e kgethetšwego ke Leloko la Lekgotla-phethišo; goba

(b) yo e sego leloko o paletšwe ke go latela Mokgwa wa Boitshwaro wa bao e sego maloko;

o swanetše go nyakišiša taba ka tsela ye e kgethetšwego.

(2) (a) Ge, ka baka la nyakišišo-

(i) lekgotla le le ngwadišitšwego le hweditšwe le paletšwe ke go latela melao ye e beilwego ka gare ga molaotheo wa lona goba ye e kgethetšwego ke Leloko la Lekgotla-phethišo; goba

(ii) Yo e sego leloko a hweditšwego a paletšwe ke go latela Mokgwa wa Boitshwaro wa bao e sego maloko;

gomme Moretšisetara a gopola gore palelo yeo e ka lokišwa, Moretšisetara o swanetše go romela tsebišo ye e ngwadilwego go lekgotla goba yo e sego leloko yo a ngwadišitšego a laela gore molaotheo goba melao ye e kgethetšwego, goba Mokgwa wa Boitshwaro wa bao ba ba sego maloko, ka fao go lego ka gona, e latelwe le go bea magato a a tlogo latelwa mo pakeng ye e boletšwego, le go nyakišiša ge e ba lekgotla goba yo e se go leloko o nyaka thušo go tlo latela se.

(b) Ge tsebišo ye e šupeditšwego mo go temana (a) e sa latelwe,

Moretšisetara o swanetše -

(i) go lefiša faene ye e fetego bokaalo bjo bo boletšwego mo go karolwana (8), goba

(ii) go ntšha taelo ye e ngwadilwego ya go fega lebakanyana sethifikeiti sa ngwadišo; goba

(iii) go ntšha taelo ye e ngwadilwego ya go phumula sethifikeiti sa ngwadišo;

Ge fela e le gore, ge palelo e le ka baka la ditshepedišo tša bosenyi goba segae ka mo go kgorotsheko, Moretšisetara a ka šuthišetša pele nyakišišo goba dikgato tše dingwe go fihlela ge ditshepedišo di šetše di feditšwe.

(3) Moo ka mabaka a a boletšwego mo go karolwana (2) Moretšisetara o na le kakanyo ya gore palelo e ka se lokišwe, o swanetše go tšea e tee ya magato a a laeditšwego mo go karolwana (2)(b), gomme a ka phumola lekgotla goba yo e sego leloko go tla kgopela ngwadišo gape.

(4) Moo Moretšisetara a tsebišitšwego ke lekgotla le le ngwadišitšwego gore le fegile goba kobile leloko, Moretšisetara o swanetše go fega goba go phumola ngwadišo ya leloko, ka fao go lego ka gona: Ge fela ge Moretšisetara a swanetše go kgotsofala gore tshepetšo ya thupišo ka mo go molaotheo wa lekgotla e šomišitšwe gabotse gomme le gore leloko ga le mo tseleng ya go dira boipiletšo kgahlanong le phego goba go kobja.

(5) Moretšisetara o swanetše gore, ka pelapela ka morago ga go hlagiša taelo ya gore leina la lekgotla goba yo e sego leloko lefe kapa lefe le tlošwe mo retšisetareng, a romele khopi ye e netefaditšwego go Leloko la Lekgotla-phethišo, Boto, masepala wa maleba le dikgoro tša mmušo goba diistitušene ka go fa diholwa goba thušo go lekgotla le le phumotšwego goba maloko a lona goba ye e sego leloko a phumotšwego ka lebaka la go ngwadišwa ga bona.

(6) Lekgotla le maloko a lona go ba yo e sego leloko a tlošitšwego mo go retšisetara, le swanetše go bušetša disethifikeiti tša ngwadišo le ditšhupo tše hlaolago go Moretšisetara tše ba di filwego mo matšatšing a šupago a ge ba amogela taelo ya phumolo ye e saennwego ke Moretšisetara.

(7) Motho yo a hlagišago ka boomo tshedimošo ya maaka goba ya go fapoša go Moretšisetara, goba a palelwa ke go dira modiro wo a o neetšwego ka fase ga Kgaolo ye, o tla bonwa molato gomme o tla ahlolelwa dikotlo tše sa fetego tše di laeditšwego mo go karolo 56.

(8) Moretšisetara, ka morago ga therišano le Phanele, a ka lefiša faene ye e sa fetego R100 000 mo go lekgotla goba yo e sego leloko leo le mo fago tshedimošo ya maaka goba ye e fapošago, goba a palelwa ke go dira modiro wo a o neetšwego ka fase ga Kgaolo ye, faene yeo e swanetšego go lefelwa ka go Sekhwama sa Profense sa Dinamelwa-Setoropong.

(9) Moo molaotheo wa lekgotla o se go wo o tiilego goba o thulanago le dipeakanyetšo tša Molaotheo-Kemo, dipeakanyetšo tša Molaotheo-Kemo di tla šoma bakeng sa tša molaotheo wa lekgotla.

(10) Motho ofe kapa ofe yoo a tshwèntšego ke sephetho sa Moretšisetara a ka dira boipiletšo go Leloko la Lekgotla-phethišo ka tsela ye e kgethetšwego gomme morago ga go lefa tefelo ye e kgethetšwego, a ka -

(a) emiša boipiletšo ka moka goba seripa, gomme moo go swanelago, fetoša sephetho sa Moretšisetara;

(b) gana boipiletšo; goba

(c) šupetša taba morago go Moretšisetara go tlo ahlaahlwa gape;

Ge fela e le gore tefo e swanetše go bušetšwa moo boipiletšo bo tšweletšego gabotse ka moka goba seripanyana goba taba e bušeditšwe morago go Moretšisetara.

(11) Moo motho a šetšego a tsebišitšwe ke Moretšisetara go ba gona theeletšong gomme a palelwa ke go dira bjalo, theeletšo e ka tšwela pele le ge a se gona gomme diphetho tše tšerwego go tšwa mo theeletšong di tla be di ama motho yoo le ge a be a se gona, ge Moretšisetara a kgotsofetše gore motho o amogetše tsebišo ya go ba gona theeletšong gomme le gore ga go na mabaka a kwalago bakeng sa go palelwa ke go ba gona.

KGAOLO 6

TSHEPEDIŠO LE TAOLO YA DITIRELO TŠA MOHUTA WA DITHEKISI TŠA DIPEESANA

Kgopelo mabapi le tumelelo

34. (1) Ka taolo ya karolo 35, ga go motho yo a tlogo laola ditirelo tša mohuta wa dithekisi tša dipeesana ka ntle le ge e le moswari wa tumelelo ye e filwego goba a dumelwago ke Molao wo e bile a ngwadišitšwe le Moretšisetara.

(2) Kgopelo ya go fiwa, mpshafatšwa goba phetošo ya tumelelo e swanetše go dirwa go Boto ka tsela ye e kgethetšwego le gona ka morago ga tefo ya ditefelo tše kgethetšwego.

(3) Motho yo a nyakago go tšea tšhutišo ya tumelelo o swanetše go dira kgopelo go Boto ya tšhutišo ka tsela ye e kgethetšwego ka gona le gona ka tumelelo ye e ngwadilwego ya moswari wa tumelelo ye e bolelwago: Ge fela e le gore ditumelelo fela tšeo di bego di šoma lebaka la dikgwedi tše tshelelago pele ga kgopelo, di ka šuthišwa.

(4) Dikgopelo ka moka tše šupeditšwego mo go dikarolwana (1), (2) le (3) di

swanetše go akaretša tlhathollo ka botlalo ya -

(a) ditsela goba kgokaganyo ya ditsela moo go yona mokgopedi a ikemišetšago go tlo šomela gona;

(b) dikhutlo ka moka moo banamedi ba tlogo tšewa gona goba ba fološwa gona; gomme

(c) direnke goba boemo bjo bo tlogo šomišwa.

(5) (a) Mokgopedi o swanetše go laetša mo go fomo ya kgopelo ge a kile a bonwa molato wa bosenyi bja mohuta wo o kgethetšwego ke molawana, gomme ge eba go bjalo, a laetše kahlolo le go laetša ge e ba yena goba mogatšagwe, leloko la kgauswi la lapa, monkane kgwebong goba mohiri wa gagwe, ke mohlankedi yo a dumeletšwego goba ke mohlankedi mo tirelong ya mmušo wa setšhaba goba profense goba wa masepala.

(b) Bakeng sa ditebanyo tša karolwana ye "mogatša" le "leloko la kgauswi" di tla ba le ditlhalošo tše di filwego mo go karolo 3(5)(b).

(6) Mabapi le kgopelo ya tumelelo ye e dumelelago ditirelo tša dithekisi tša makgatha-diprofense, Boto e swanetše go lebiša kgopelo go boto goba setho se sengwe se se nago le boikarabelo bja go fa ditumelelo tša ditirelo tša mohuta wa dithekisi tša dipeesana ka mo go profense ye e lebanego e nngwe le e nngwe bakeng sa ditigelo tša yona.

(7) Ge go se gwa amogelwa phetolo mo matšatšing a 21 go tšwa go boto goba setho se sengwe sa profense ye nngwe ka ge go akantšwe ka mo go karolwana (7), Boto e swanetše go iša taba go Lekgotla-diphetho la Boipiletšo la Dinamelwa bjalo ka ge e hlomilwe ke karolo 3 ya Molao wa Lekgotla-diphetho wa Dinamelwa, 1998 (Molao 39 wa 1998) e le boipeletšo: Ge fela e le gore mokgopedi a ka lokollwa go lefa ditefo dife kapa dife mabapi le boipiletšo bjoo.

(8) Ge kgopelo e dirwa mo profenseng e nngwe bakeng sa phomete ye e dumelelago ditirelo tša dithekisi tša makgatha-a diprofense moo banamedi ba tlago tšewa goba go fološwa gona ka mo Profenseng, gomme kgopelo yeo e šetše e šupeditšwe go Boto bakeng sa ditigelo tša yona, Boto e swanetše go fa tigelo malebana le kgopelo go setho se se nago le boikarabelo bja go fa diphomete ka mo profenseng ye nngwe.

Tšwetšopele le phetošo ya diphomete tše di lego gona

35. (1) Go ya ka karolwana (5), phomete efe le efe yeo e felwago nako yeo e sego ya bewa le diphomete tšeo di felwago nako ye e beilwego tšeo, ge go thoma Molao wo e sa tšwago e fela, e tla dula e šoma lebakanyana ka ge go beakanyeditšwe ka go karolo ye.

(2) Moswari wa phomete yeo a ka e dira gore e fetošetšwe go tumelelo go ya ka kgaolo ye ka go kgopela phetošo, ka tsela yeo e kgethilwego ke Molekgotlaphethišo:

(a) mabapi le phomete ya nako yeo e sa bewago, pele ga go fela ga paka yeo e beilwego ke Molekgotlaphethišo ka tsebišo ka go Kuranta ya Profense;

(b) mabapi le phomete yeo e beetšwego nako, pele ga go fela ga ga paka yeo goba paka yeo e akantšwego go temana ya (a), efe le efe yeo e tlago pele.

(3) Phomete yeo go bolelwago ka yona ka go karolwana (1) e tla fela-

(a) ge kgopela ya phetošo ya yona e sa dirwa ka ge go beakanyeditšwe ka go karolwana (2) -

(I) mabapi le phomete ya paka yeo e sa bewago, ge paka ya go fela yeo e boletšwego go temana ya (a) ya karolwana yeo;

(ii) mabapi le phomete yeo e beetšwego nako, ge paka ye e beilwego e fela goba paka yeo go boletšwego ka yona ka go temana yeo, efe le efe yeo e tlago pele; goba

(b) ge kgopelo yeo e šetše e dirilwe, godimo ga phetošo ya phomete go tumelelo ya maleba go ya ka kgaolo ye;

(4) Molekgotlaphethišo, ka tsebišo ka go *Kuranta ya Profense*, o swanetše go kgetha tšatšikgwedi yeo diphomete ka moka di tlago ba di fetošitšwe go direla karolo ye.

(5) Go ya ka karolo ye, maatla ao a fiwago ke phomete a ka seke a mpshafatšwa, fetošwa goba go fetišetšwa, kantle le ge e ka fetošetšwa pele go tumelelo go ya ka karolo 37.

Phetošo ya diphomete tše di sa dumelelwego mo go mabaka a mangwe

36. (1) Phomete e ka no se fetolelwe go tumelelo ka ntle le ge tirelo ya dinamelwa yeo e e dumelelago e filwe ka go se thibelwe paka ya matšatši a 180 pele ga tšatšikgwedi yeo kgopelo e diretšwego go fetolwa.

(2) Ge go lekolwa mokgwa wa phetošo ya phomete go tumelelo, boto ya ditumelelo e ka nyaka gore mokgopedi a tšweletše bohlatse go kgotsofatša boto ye gore mokgopedi o fihleletše dinyakwa tšeo di beilwego ke karolwana (1).

Mokgwa wa go fetoša diphomete go ditumelelo

37. (1) Go ya ka karolo ye le gona go sepelelana le karolo 47 ka mabaka a mangwe, tumelelo yeo e ntšhitšwego legatong la phomete ka go hlohleletša phetošo yeo e akanywago go karolo 35, e swanetše go fa maatla a go swana le ona ao a bego a fiwa ke phomete.

(2) Mabapi le phetošo ya phomete ya tirelo yeo e beakantšwego-

(a) yeo e dumelelago tirišo ya tirelo yeo lefelong leo le hlaotšwego, tumelelo yeo go yona phomete e fetoletšwego e swanetše go dumelela

tirišo ya tirelo yeo go ya ka tsela e tee goba tše dintšhi tšeo di hlalositšwego ka botlalo. Le gona di swanetše go bea lenaneo la nako la tsela yeo goba e tee ya tšona (go ya ka gore go bjang);

(b) moo tirelo yeo e fiwago go ya ka kontraka ya motšwaoswere goba kontraka ya bjale ye e thendarilwego, tumelelo yeo go yona phomete e fetoletšwego e swanetše go direlwa malebana le kontraka yeo.

(3) Mabapi le phetošo ya phomete ya tirelo yeo e sa beakanywago-

(a) (ge e se tirelo) yeo e dumelelago tirišo ya tirelo yeo mo lefelong le le hlalošitšwego, tumelelo yeo go yona phomete yeo e fetoletšwego e swanetše go dumelela tirišo ya tirelo yeo go ya ka tsela e tee goba tše ntši. Tsela goba ditsela di swanetše go hlaloswa ka botlalo, ka ntle le ye nngwe le ye nngwe ya mabaka a a latelago, e lego-

(i) ge tirelo e-

(aa) fiwa go ya goba go tšwa madulong a a sego a semolao moo go se nago ditsela tše bonalago;

(bb) le tirelo ya neetšano magareng ga lefelo le itšego le kgaotšo ye kgolo goba tlabelo ya kabelano;

(cc) ga e abelwe dinakong tše e sego tša bewa goba e abelwa mafelelong a beke magareng ga lefelo le itšego le boemo bjo bogolo bja banamedi ba dinamelwa tša setšhaba bjalo ka sepetlele goba lefelo la thekišo; goba

(iii) mabaka afe le afe ao boto ya ditumelelo ka mabaka a a kwagalago e a hwetšago go tokafatša tlhaloso ye e se go ka botlalc ya tsela goba ditsela;

(b) yeo e dumelelago tirišo mo sefakeng se itšego, tumelelo yeo go yona phomete e fetoletšwego-

(i) e swanetše go dumelela tirišo ya tirelo yeo go ya ka e tee goba tše ntši tša ditsela tšeo di swanetšego go hlaloswa ka botlalo, go ya ka karolwana (ii);

(ii) e ka, moo mabaka afe le afe ao a boletšwego go temananyana ya (i) goba (ii) ya temana (a) e tšwelelago, e dumelela tirišo ya tirelo ya dinamelwa mo lefelong leo le hlaloswago ka botlalo.

(4) Mabapi le phetošo ya phomete ya tirelo ya thekisi ya peesana, tumelelo yeo go yona phomete e fetolelwago e swanetše go hlatholla lefelo le le itšego leo go lona banamedi ba kago go nametšwa ge go dirišwa tirelo yeo.

(5) Mabapi le phetošo ya phomete ya tirelo ya leeto le letelele, tumelelo yeo go yona phomete e fetoletšwego e swanetše go hlaola tsela goba ditsela, boemo goba magomo a go nametša le go fološa banamedi le mafelo a mangwe mo tseleng goba ditseleng moo banamedi ba ka go nametšwa goba go fološwa.

(6) Ka ntle le moo go tlogago go se maleba, tumelelo yeo go yona phomete e fetoletšwego go ya ka mabaka a karolo ye e swanetše go bonwa goba go direlwa mabaka ka moka bjalo ka ge tumelelo ye e filwego le go abelwa go ya ka Kgaolo ye.

(7) Phomete ya dinamelwa tša setšhaba mo go sefaka goba lefelo e swanetše go fetolelwa tumelelo ya dinamelwa tša setšhaba mo go tsela goba ditsela tše itšego tše hlaotšwego goba, moo go kgonegago, lefelo le itšego le le hlaotšwego.

(8) Ka ntle le moo phomete yeo e tlo go fetošwa e šetšego e dumelela ditirelo tša dinamelwa tša setšhaba mo tseleng goba ditseleng tše itšego, boto ya ditumelelo e swanetše go kgopela taolo ya dipeakanyo yeo mo lefelong la yona ditirelo di dirišwago go dira boemedi le ditigelo tšeo e bonago di le maleba go ya ka tsela goba ditsela, goba, moo go kgonegago, lefelo leo le hlaotšwego ka go tumelelo leo go lona phomete e swanetšego go fetolelwa.

(9) Diphomete tša ditirelo tše di sa beakantšwago ka mebotoro ya madulo a ka fase ga batho ba senyane, go akaretšwa mootledi, di ka fetolelwa go ditumelelo tša ditirelo tša dithekisi tša peesana tše di dirišwago ke mebotoro ya madulo a batho ba senyane go fihla go 16, go akaretšwa mootledi, ka go šomiša tumelelo e tee ka go bušetša diphomete tše pedi: ge e le gore tumelelo e swanetše go ba ya paka yeo e sa šuthego yeo e sa fetego mengwaga ye mehlano; goba

(10) Phomete yeo e fetolelwago go tumelelo go ya ka mabaka a karolo ye e ka se abelwe motho bjalo ka mohlaolwa wa motho yo mongwe.

(11) Le ge go le bjalo, ga go tlhatswadiatla yeo e tlago lefelwa moswari wa phomete, ka lebaka la phetošo go ya ka karolo ye, maatla ao a filwego ke tumelelo ao go ona phomete e fetolelwago a le ka fase ga ao a filwego ke phomete le gona a hlotšego phokotšo ya ditirišo tša dinamelwa tše dumeletšwego tša mootledi.

Ditokollo

38. Bakeng sa ditebanyo tša Molao wo, senamelwa sa batho se se boletšwego mo go ditlhalošišo tša "tirelo ya dinamelwa tša setšhaba" se tla tšewa go ba se sa akaretše tše latelago, e lego-

(a) thwalo ka rapolasa a le noši yoo e lego modudi ka mo go Rephabliki (go akaretša kgwebišano goba khamphani ye e rwalago dišomišwa tša polase) ka mokgwa wa mmotoro woo ka molao o dumeletšwego go rwala banamedi le gona ke yena mong a nnoši wa bašomi ba polasa ya rapolasa yoo-

(i) go tloga lefelong leo ba nyakilwego go ya go lefelo leo ba dumetšego go išwa gomme le moo ba nyakago go tlo dira mešomo ya polasa;

(ii) go tloga lefelong leo ba goba ba šetšego ba hirilwe mo mešomong ya polasa ya gagwe go ya go lefelo leo ba tlogo nyakwa bakeng sa mešomo ya polasa goba moo rapolasa yo mongwe a ka go ba nyaka mo mešomong ya polasa ya gagwe goba go ya go lefelo leo ba hweditšwego gona;

(iii) magareng a lefelo moo ba bego ba le gona goba ba tlogo hirwa bjalo le lefelo le le loketšego bakeng sa senamelwa sa bona go ya go lefelo le lengwe leo ba swanetšego go išwa go lona ka dinamelwa tša setšhaba goba go lefelo moo ba

tlogo hirwa gona;

(iv) magareng a lefelo leo ba hirilwego bjalo le lefelo le lengwe mo go Rephabliki go ya go reka goba go ya tirelong ya kereke goba ya poloko goba bakeng sa kopano ya dipapadi goba boitapološo; goba

(v) magareng a lefelo moo ba hweditšwego gona le lefelo le le loketšego bakeng sa senamelwa sa bona go ya go lefelo le lengwe moo ba swanetšwego go išwa gona ka dinamelwa tša setšhaba,

gomme bakeng sa ditebanyo tša temana ye bašomi ba ba hirilwego ke lekgotla la koporasi, le le ngwadišitšwego ka fase ga molao wo o amanago le makgotla a koporasi, ao rapolasa e lego leloko, goba dibofša ka moo go hlathollotšwego ka mo go karolo 1 ya Molao wa Ditirelo-Tokišo, 1959 (Molao 8 wa 1959), bao ba ilego goba ba šetše goba ba tlogo hirwa ke rapolasa mo mešomong ya polasa ya gagwe, ba tla tšewa go ba bašomi ba polasa ya rapolasa yoo;

(b) thwalo ka masepala ka mokgwa ya mmotoro wo o dumeletšwego ka molao go rwala banamedi, ebile e le mong wa badiredi ba gagwe go tšwa go lefelo moo ba šomago ka baka la kgwebo ya wona go ya go lefelo le lengwe moo ba tlogo šoma bjalo;

(c) thwalo ka mokgwa wa ambulense ka moo o hlathollotšwego ka mo go Molao wa Therafiki ya Tsela, 1989, sa molwetši le motho yo a hlokometšego molwetši, go lefelo leo a yago go hwetša kalafo go tšwa go motho yo a dumeletšwego go laola kalafo yeo go ya ka molao wo o amanago le profešene ya kalafo, goba go tšwa go lefelo moo a hweditšego kalafo yeo;

(d) thwalo ka mokgwa wa mmotoro wa batho ba ba bego ba sepetšwa ka mmotoro woo o senyegilego, go ya mo ba yago, ge fela e le gore senamelwa sa batho bao ka mokgwa wa mmotoro o mongwe ka nako yeo o thomago go senyega o be a hlomile tirelo ya dinamelwa tša setšhaba, senamelwa seo se be se dumeletšwe ka tumelelo gomme senamelwa sa bona ka mokgwa wa mmotoro wo o boletšwego pele o laolwa ka tumelelano le dipeakanyetšo tša tumelelo yeo gomme tumelelo yeo e rwelwe ka mo go mmotoro wo o boletšwego pele bakeng sa tlhagišo ge e nyakwa go mohlankedi yo a dumeletšwego ofe kapa ofe;

(e) thwalo ya batho ka moo go boletšwego mo go tlhalošišo ya " klapa ya go nametšana" mo go karolo 1 ya Molao wa Sekhwama sa Dikotsi Tseleng, 1996 (Molao 56 wa 1996);

(f) thwalo ka motho yo a rwalago mo intastering, kgwebong, goba papatšong, badiredi ba gagwe go tloga lefelong leo ba šomelago ka baka la intasteri, kgwebo goba papatšo, go ya go lefelo le lengwe leo ba tlo go šomela gona, ka mokgwa wo mmotoro wo o lego wa gagwe;

(g) thwalo mabapi le phetho ya mešomo ya gagwe, ke modiredi wa mmušo wa setšhaba goba profense goba setho se se thušwago ke mmušo goba khamphani yeo mmušo wa setšhaba goba profense e lego leloko le nnoši goba moswarašere goba masepala, ka mokgwa wa mmotoro woo modiredi yoo e lego mong gomme o

šomišwa ke yena go phethagatša mediro yeo, ya motho mabapi le senamelwa seo modiredi yoo a nago le tokelo ya go tlo amogela moputso go tšwa go mmušo wa setšhaba goba profense goba setho se se thušwago ke mmušo goba khamphani goba masepala;

(h) thwalo ya baithuti le barutabana bakeng sa tebanyo ya dipapadi le boitapološo goba mo maikhutšong, maeto a go bona naga goba a thuto, ka mokgwa wa mmotoro woo sekolo se se lebanego e lego sona mong a nnoši goba seo, go ya ka kwano, se beetšwego thoko go tlo šomišwa ke sekolo seo bakeng sa ditebanyo tšeo;

(i) thwalo mo matšatšing a sekolo a barutwana le barutiši go ya le go boa sekolong seo ba tsenago go sona ka mokgwa woo mmotoro woo sekolo se lego mong a nnoši goba seo, go ya ka kwano, se beetšwego ka thoko go tlo šomišwa ke sekolo bakeng sa tebanyo ye: Ge fela e le gore Leloko la Lekgotla-Phethišo le ka fediša tokollo ka tsebišo ka gare ga *Kuranta ya Profense*;

(j) thwalo ka yunibesithi, teknikhone, kholetšhe ya tekniki goba kholetšhe ya tlhahlo ya barutabana yeo e tsebegago bjalo ka institušene ya thuto ya baithuti ba yona le badiredi bakeng sa ditebanyo tša thuto, setšo goba dipapadi ka mokgwa wa mmotoro woo institušene ya thuto e lego mong goba mokgwa wa mmotoro woo go ya ka kwano o beetšwe thoko go tlo šomišwa ke institušene yeo ya thuto bakeng sa ditebanyo tšeo: Ge fela e le gore mabapi le senamelwa seo ka mokgwa wa mmotoro o šomišwa go ya ka kwano, go swanetše go ba le tokumente ka gare ga mmotoro woo yeo go yona mohlankedi yo a dumeletšwego wa institušene ya thuto a tiišetšago gore banamedi ke baithuti ba ba ngwadišitšwego ba, goba badiredi ba ba šomelago institušene ya thuto yeo;

(k) thwalo bakeng sa moputso ka motho yoo a laetšwego go itlhagiša mo lefelong leo e tlogo ba hlatse mo molatong wa bosenyi wa motho o mongwe yoo a laeditšwego go itlhagiša e le hlatse mo molatong owe goba mo go molato wa bosenyi o mongwe ofe kapa ofe, e ka ba ka letšatši le tee goba mo letšatšing le lengwe, go ya goba go boa lefelong leo motho yo a išitšwego o be a laetšwe go itlhagiša, ka mokgwa wa mmotoro woo motho yo a boletšwego la mathomo e lego mong;

(l) thwalo bakeng sa moputso, ka motho yo a šetšego a laetšwe go itlhagiša lefelong leo ka tšatši leo a swanetšego go fa bohlatse pele ga khomišene ka tšhupetšo yeo dipeakanyetšo tša Molao wa Dikhomišene, 1947 (Molao 8 wa 1947) goba Molawana wa Dikhomišene,1954 (Molawana 5 wa 1954),o šetše o begilwe go ba o šomišwa goba pele setho sehlongwa ka fase ga molao go ya ka gore setho se na le maatla a go tagafara batho go itlhagiša pele ga sona go tlo fa bohlatse, go ya goba boa lefelong leo motho owe a biditšwego go itlhagiša pele ga khomišene goba setho seo go tlo fa bohlatse mo tšatšing le tee, ka mokgwa wa mmotoro woo motho yo a boletšwego la mathomo e lego mong;

(m) thwalo ya motho yoo a swanetšego go sepetšwa ka tshwanelo mabapi le thwalo ya batho, yeo go ya ka temana ye e fetilego ga e hlame dinamelwa tša setšhaba; goba

(n) thwalo ya batho ka tirelo ye botho.

Phetšo ya kgopelo mabapi le tumelelo

39. (1) Go ya ka dipeakanyetšo tša Molao wo, Boto e swanetše go amogela le go lekodišiša kgopelo ya kabelo, mpshafatšo, phetošo goba phetišetšo ya tumelelo ye e dirilwego go yona, ebile e ka re morago ga moo, ka boikgethelo bja yona ya abela kgopelo ka botlalo goba seripa go ya ka mabaka ao e bonago a le maleba, goba ya gana kgopelo.

(2) (a) Pele ga go lekodišiša kgopelo efe le efe ka karolo ya (1), Boto e tla lebiša kgopelo yeo go masepala yo a swanetšego go dira tigelo.

(b) Masepala wo kgopelo e lebišitšwego go yena, o tla rerišana le diforamo tša dinamelwa tša tikologo-selegae, goba, ge diforamo tša dinamelwa tša tikologo-selegae di se gona, mekgahlo ye e swanetšego le dikomiti-taolo tša tsela-mohlakanelwa pele ga ge e ka neela tigelo ya yona go Boto.

(c) Ge masepala o palelwa ke go fetišetša tigelo ya yona go Boto mo matšatšing a 30 morago ga go amogela kgopelo goba gare ga paka ya go feta fao yeo Boto e ka e dumelago ka kgopelo, kgopelo e tla sepetšwa le go fetšwa ntle le tigelo yeo.

(3) Boto e tla ikgokaganya le Moretšisetara go kgonthišiša ge e ba bohlatse bjo bo filwego ke mokgopedi bo sepelelana le bjoo bo swerwego ke Moretšisetara, ge e ba bo gona.

(4) Boto e ka se ke ya ntšha tumelelo ka tsela ya sefaka, le gona ditumelelo tša lefelo di ka ntšhwa feela ge-

(a) ditirelo tša mohuta wa dithekisi tša peesana goba ditirelo tše di tlo phethagatšwa mafelong ao go se nago ditsela tše hlalosago;

(b) ditirelo tša neeletšano magareng ga lefelo leo le tswalelegilego le magomo a magolo goba dinolofatši tše phetošo;

(c) ditirelo tša mafelelo a beke goba tša maikhutšo magareng ga mafelo le kgoketšokgolo ya banamedi bjalo ka sepetlele goba lefelo la kgwebo.

(5) Ka ntle le mabaka ao a tšweletšwago go karolwana ya (4)(a), (b) le (c), Boto e ka se abele phetišetšo ya tumelelo yeo e dumelelago leeto mo lefelong goba mo sefakeng sa lefelo leo le hlaotšwego ge e se fela ge taolo e fetošeditšwe go tsela goba taolo yeo e ithekgilego ka kgokagano.

(6) Tumelelo ya thoko e swanetše go ntšhetšwa mmotoro ofe le ofe.

(7) (a) Ga go phetišetšo ya mmotoro go ya ka tumelelo yeo e tla go dumelelwa mo dikgweding tše tshelelago tša go ntšha tumelelo, ka ntle le ge moswari e ka laetša lebaka le kwagalago la go šušumetša gore phetišetšo e swanetše go dumelelwa.

(b) Go ya ka merero ya karolwana ye "lebaka le kwagalago" le tla akaretša empa le ka se kgaolelwe go ntlha ya gore mmotoro o utswitšwe goba o sentšwe.

(7) Boto e ka gana go lekodišiša kgopelo ya kabelo, phetošo goba phetišetšo ya tumelelo yeo e dirilwego ke motho ge kgopelo ya pele ka yena motho yoo, ge go ya ka kgopolo ya Boto, e be e na le morero o tee goba o tee wo o tiilego bjalo ka kgopelo ye go boletšwego ka yona pele, e ile ya lekodišišwa le go ganwa ke Boto mo pakeng ya dikgwedi tše tshelelago pele ga tšatšikgwedi yeo kgopelo yeo go boletšwego ka yona e amogetšwego ka ofising ya Boto.

(9) Boto e swanetše go gana go lekodišiša kgopelo ya kabelo, mpshafatšo, phetošo goba phetišetšo ya tumelelo ge ka moka tše latelago di thulana le kgopelo:

(a) bomasepala ba swanetšego;

(b) diforamo tša dinamelwa tše swanetšego;

(c) mekgahlo ye e swanetšego; le

(d) dikomititaolo tša tsela-mohlakanelwa tše swanetšego.

(10) Boto e tla laetša renke, boemo le dinolofatši tše dingwe tšeo mokgopedi a ka go di šomiša ka ditigelo go tšwa go bomasepala ba swanetšego, le go laetša tše mo phometeng.

(11) Ga go tumelelo yeo e tla go fiwa ge e se fela ge mokgopedi e le leloko la mokgahlo wo o ngwadišitšwego ke Moretšisetara mo go karolo 29, ebile kgopelo e thekgwa ka go ngwalwa ke mokgahlo, goba Moretšisetara a hlatsela ka go ngwala gore mokgopedi o na le tokelo bjalo ka mosebe-leloko ka fase ga karolo yeo le gona o dirile kgopelo ya ngwadišo ka gona.

(12) Boto e ka se abele tumelelo go motho yoo a latofatšwago ka molato wo o kgethetšwego.

(13) Tumelelo ya tirelo e ka –

(a) dumelela mmotoro go tloga lefelo la wona le le hlaotšwego ge e ba leetong la go boa o tla ba o rwele banamedi bona ba le o sepetšego le bona, goba mmotoro o tla boa o sa nametša;

(b) dumelela moswari go tšea leeto ka tefelatsela yeo e sa laolwego ke methara ka mo mmotorong, ge e ba tefelo ya leeto lefe le lefe le rerilwe pele leeto le thoma.

Kemalegato ya mebotoro

40. (1) Kgopelo ya go fetoša tumelelo ya go emela mmotoro legato ye e tšwelelago ka go tumelelo ke mmotoro wo mongwe wa bogolo bja bodulo bja go lekana e ka, go ya ka karolo 47, abelwa ke mohlankedi wa Boto yo a kgethetšwego morero

wo ke modulasetulo, ka ntle le go fetola mabaka a mangwe goba ditlhalošišo tša tumelelo.

(2) Karolwana (1) e ka se šome go dikgopelo tša go fetoša ditumelelo tša go ema legato mebotoro ya bogolo bjo fapanago bja madulo, yeo e ka go fiwa ge fela bogolo bja madulo bjo swanetšego bo lokafaditšwe go ya ka lenaneo la maleba le dumeletšwego la banamedi ba dinamelwa goba dinyakwa tše kgethetšwego.

Kgatišo ya kgopelo le kemelo mabapi le tumelelo

41. (1) Ge Boto e amogela kgopelo, go sa akaretše kgopelo yeo go bolelwago ka ka yona ka mo go karolo 40(1), e –

(a) tla, mo go kgopelo ya go abela goba phetošo (ntle le phetošo yeo go bolelwago ka yona mo go temana ya (b) ya tumelelo;

(b) tla, mo go kgopelo ya phetošo ya tumelelo gore go dumelelwe peobakeng ya ruri ya mmotoro wo o laetšwago ka go tumelelo ke mmotoro woo bogolo bja madulo a yona bo lekanago le goba bo lego ka fase goba bo fetago bja mmotoro wo o boletšwego pele e se go ka go feta diphesente tše 20, goba mo go phetišetšo ya tumelelo,

gatiša ka go Kuranta ya Profense le bonnyane ka kuranteng e tee ye e dikologago lefelong le tee moo banamedi ba nametšwago goba ba fološwago, ditlhaiosišo tše kgethetšwego tša kgopelo, le, ka tsela yeo e kgethetšwego, bea tsebišo ya kgopelo go boto ya tšebišo mo diofising tša Boto.

(2) Molekgotlaphethišo a ka kgethela tsela yeo le nako yeo makala a a nago le kgahlego a ka go neela dikganetšo go goba kemedi mabapi le dikgopelo tše phatlalatšwago ka go karolwana (1).

(3) Dipeakanyetšo tša karolo ye ga di ame kgopelo ya kabelo ya phomete yeo e dirilwego go ya ka tshepedišo yeo e kgethetšwego.

Ditaba tšeo di kago elwa hloko go fetšweng ga kgopelo mabapi le tumelelo

42. (1) Go tlaleletša dipeakanyetšo tše dingwe tše swanelago tša Molao wo, Boto e swanetše go lekodišiša dintlha tše di latelago ge go phethwa ge e ba kgopelo e swanetše go abelwa goba go ganwa le go laetša mabaka (ge a le gona) ao phomete e tla go sekasekwa:

(a) dipeakanyetšo tša lenaneo le le kgonegago la tshepetšo ya banamedi;

(b) ditigelo go tšwa go bomasepala ba swanetšego, diforamo tša dinamelwa, mekgahlo le dikomititaolo tša tsela-mohlakanelwa;

(c) dikganetšo dife le dife goba kemedi mabapi le kgopelo yeo e amogetšwego;

(d) bokgole bjoo senamelwa se lego maleba goba se nyakegago go ya ka kgahlego ya setšhaba;

(e) dinyakwa tša setšhaba tša senamelwa mo (di)tseleng goba magareng ga mafelo ao mokgopedi a akanyago go šomela gona, goba mo lefelong leo mokgopedi a akanyago go šomela ka go lona;

(f) dinolofatši tše di lego gona tša dinamelwa tše di diretšwego setšhaba mo (di)tseleng, goba magareng ga mafelo goba ka mo lefelong;

(g) kgokagano ya mehuta ka moka ya dinamelwa ka tsela ya maleba ya seekonomi le go ela hloko kgahlego ya setšhaba;

(h) bokgoni bja mokgopedi go aba ditirelo;

(i) tatofatšo efe le efe ya pele ye e swanetšego ya mokgopedi ya melato;

(j) go ba gona ga molawana, thibelo, kgaoletšo goba mollwane wo o swanetšego go senamelwa seo se šišintšwego;

(k) ntlha efe le efe yeo, go ya ka kgopolo ya Boto, e ka ba maleba go potšišo ya ge e ba kgopelo e ka fiwa goba mabaka ao a ka go bewa go phomete.

(2) Lentšu le "bokgoni" mo go karolwana (1) le tla akaretša, empa ga le kgaolelwe go, bokgoni bja tšhelete ya mokgopedi go fa ditirelo tše akantšwego ka tsela ye e kgotsofatšago.

Ditirelo tša dithekisi tša makgatha-diprofense

43. (1) Moo motho a nyakago go tšea ditirelo tša dithekisi tša makgatha-diprofense, o swanetše go kgopela phomete go Boto ge mmotoro wa gagwe woo ditirelo di tlo go dirwa ka wona o goba o tla ngwadišwa mo go Profense.

(2) Boto e ka se ke ya fa kgopelo ya phomete ye e dumelelago ditirelo tša dithekisi tša makgatha-diprofense, goba mpshafatšo goba phetišetšo ya phomete yeo, goba phetošo ya phomete yeo e amago ditirelo tša dinamelwa tša setšhaba ka profenseng ye nngwe, ka ntle le kwano ya boto goba mokgahlo wo mongwe wo o lebanego le go ntšha diphomete ka go profense ye nngwe.

(3) Moo Boto e palelwago ke go hwetša kwano ya boto yeo goba mokgahlo wo mongwe pakeng ye e beilwego, Boto e tla neela taba bjalo ka boipiletšo go Boipeletšo bja Lekgotla-diphetho la Dinamelwa go ya ka Molao wa Boipiletšo wa Lekgotla-diphetho la Dinamelwa, 1998.

(4) Boipiletšo mabapi le ditirelo tša dithekisi tša makgatha-diprofense di swanetše go dirwa go Boipiletšo bja Lekgotla-diphetho la Dinamelwa go ya ka Molao wa Boipiletšo bja Lekgotla-diphetho la Dinamelwa, 1998.

(5) Mo go ditirelo tša dithekisi tša makgatha-diprofense, banamedi ba ka se nametšwe goba go fološwa ka ntle le mo mafelong a botšo le a boyo: Ge e le gore ga go na tirelo ye nngwe magareng ga botšo le boyo goba bofološo goba bonametšo, goba mekgahlo ye e swanetšego yeo e šomelago (di)tseleng tšeo di kwane ka gona, banamedi ba ka nametšwa goba ba fološwa.

Ditirelo tša dithekisi tša ditšhabatšhaba

44. Kgopelo ya phomete ya go dumelela tirelo ya thekisi ya boditšhabatšhaba e swanetše go dirwa go Komiti ya Taolo go ya ka Molao wa Go Putlaganya-Mollwane wa 1998 (Molao 4 wa1998), ebile boipiletšo bofe goba bofe bjo ba amanago le wona bo tla dirwa go ya ka molao wo.

Ditirelo tša Boeti

45. (1) Molekgotlaphethišo a ka dira melawana ya go fa dinyakwa tše itšego go ya ka dikgopelo tša diphomete mabapi le ditirelo tša boeti goba mmotoro goba baotledi bao ba šomišwago ditirelong tšeo, go tlaleletša goba malebana le tšeo di filwego mo Molaong wo.

(2) Melawana ye go bolelwago ka yona ka go karolwana (1) e ka nyaka gore ditigelo di swanetše go hwetšwa go tšwa go Boto ya Mebaraka ya Boeti ya Profense ya Leboa, pele ga ge dikgopelo tša diphomete tša go dumelela ditirelo tša boeti di ka lekodišišwa.

Paka ya matlafatšo ya tumelelo

46. (1) Paka ya matlafatšo ya phomete yeo e ntšhitšwego go ya ka Molao wo e tla kgethelwa.

(2) Ge paka ye e sa šuthego ye e lego gona e fela, ebile kgopelo ya mpshafatšo e letetšwe pele ga Boto, phomete e tla tšwela pele go šoma go fihla ge kgopelo e rulagantšwe.

Go ntšhiwa ga tumelelo le dipeakanyetšo tša yona

47. (1) Go ya ka karolwana (2), Boto e swanetše go ntša, ka tsela yeo e kgethetšwego, phomete yeo e filwego, mpshafaditšwego goba e šuthišitšwego ke yona.

(2) Boto e ka se ntše phomete ka ntle le ge –

(a) e kgotsofetše gore mmotoro ofe le ofe wo o diretšwego phomete o na le maswanedi a mohuta wa senamelwa seo se tlo go šomišetšwa;

(b) go ya ka mmotoro ofe le ofe sethifikheiti sa nnete sa go ba maemong a maleba goba sethifikheiti sa tokelatsela, seo se ntšhitšwego ka fase ga molao wo o amanago le go abela dilaesentshe le ngwadišo ya mebotoro go Profense, ka goba ka morago ga tšatšikgwedi yeo e beilwego ke molawana, e neetšwe go yona; le

tsela yeo e kgethetšwego yeo Boto e dumelelago ka go ngwala ka tsela ye itšego.

(e) tšweletša ditlhalošišo tše dingwe tše laetšwago ke Boto goba bjalo ka ge di kgethetšwe;

(f) hlomesetša le go dula o hlomeseditše ka tsela yeo e kgethetšwego maswao a a hlaolago ka moka a filwego go ya ka Molao wo go mmotoro woo o šomišwago go ya ka phomete;

(g) dira kgopelo ya mpshafatšo ya tumelelo pele ga nako;

(h) kgonthišiša gore bohlatse ka moka bjo bo hwetšwago go tumelelo bo bewa nakong ya bjale ke dikgopelo tša maleba tša diphetošo;

(i) neela Boto nakong ya kgwedi e tee go ya ka tšhupamabaka morago ga go fela ga sethifikeiti sa ngwaga ka ngwaga sa tokelo goba sethifikeiti se seswa sa mmotoro woo o diretšwego phomete;

(j) bušetša go Boto go phumolwa ga tumelelo mabapi le mmotoro wo o lahlilwego ke moswari.

(2) Tumelelo ye e abilwego ka fase ga Molao wo –

(a) ka gona e ka se dumelele moswari go tsenela tirelo ya dinamelwa tša setšhaba mo lefelong la ka fase ga maatlataolo a masepala ge e le gore ga go molaong go ya ka molao ofe le ofe woo swanelago lefelong leo;

(b) e ka se dumelele moswari go tlamego ya go dumelelana le senyakwa seo se pharilwego go yena ka fase ga molao o mongwe le o mongwe goba ka fase ga laesentshe goba tumelelo yeo e filwego ke taolo ye nngwe.

Kgomišo, phego goba phetošo ya tumelelo

52. (1) Go ya ka dipeakanyetšo tša karolwana (4), Boto e ka, nako efe le efe, tloša, fetoša goba go fega, paka ye go bonwago e lokile, tumelelo yeo e ntšhitšwego ke yona –

(a) ge moswari wa tumelelo goba mošomedi wa moswari a latofatšwa ka molato ka fase go Molao wo goba ka fase ga molao wo o amanago le mmotoro goba molawana wa therafiki goba polokego ya mošomo goba dikamano tša mošomo, goba molato wo o kgethetšwego; goba

(b) ge, go ya ka kgopolo ya Boto, moswari a se a phethagatša ka botshephegi mabaka goba dinyakwa tša tumelelo; goba

(c) ge moswari a paletšwe ke go thoma tirelo ye e dumeletšwego ke tumelelo goba karolo ye nngwe gona moo dikgweding tše tshelelago morago ga go ntšha tumelelo, kantle le ge a ka laetša go Boto gore go

na le mabaka a makaone a se, mabaka ao a ka go akaretša, eupša a sa kgaoletšwe go –

(i) bolwetši goba go palelwa ga moswari;

(ii) taba ya gore mmotoro ga o šome lebakanyana ka baka la kotsi;

(iii) ditokišetšo tše di dirwago go fetišetša tumelelo ka baka la lehu la moswari;

(iv) mathata a tšhelete ka mabaka a ka ntle ga taolo ya moswari; goba

(v) taba ya gore moswari o thibelwa go phethagatša tirelo ka baka la maemo a dithulano; goba

(d) ge moswari a emišitše go aba tirelo goba seripa se sengwe sa yona nako ya matšatši a 180 ka tatelano; goba

(e) ge moswari a paletšwe ke go neela Boto sethifikheiti se seswa sa tokelatsela sa ngwaga ka ngwaga goba sethifikheiti sa go ba maemong a mabotse go ya ka mmotoro wo o diretšwego phomete, mo nakong ya kgwedi e tee go ya ka tšhupamabaka morago ga go fela ga sethifikheiti seo; goba

(f) ge moswari a lahlile mmotoro wo o diretšwego tumelelo.

(2) Ge moswari wa tumelelo a emišitše go ngwadišwa le Moretšisetara, bjalo ka leloko la mokgahlo woo sa ngwadišwago goba ka boyena go Boto, Boto e tla tloša ditumelelo ka moka tše di swerwego ke moswari.

(3) Ge mokgahlo o fegile yo mongwe wa maloko a yona, Moretšisetara o tla fa pego ya komiti ya kgalemo ya maleba go Boto, moo go yona Boto e tla fega ditumelelo ka moka tše di swerwego ke leloko paka ya phego ya leloko.

(4) Boto e ka se tloše goba ya fega tumelelo ka fase ga karolwana (1), (2) goba (3), ka ntle le ge –

(a) matšatšing a 21 a tsebišo ya go ngwalwa ya maikemišetšo a yona go dira seo, le mabaka, e rometšwe go moswari ka poso ya go retšisetariwa; le

(b) moswari a filwe sebaka sa go, e ka ba ka boyena goba moemedi wa gagwe, yo a nago le maswanedi, hlaga pele ga Boto go tšweletša bohlatse goba go neela boemedi mabapi le kgato ye e akantšwego.

(5) Tatofatšong ya bobedi goba ye e latelago ya motho ya molato wo o akaretšago go dira ditirelo tše sa dumelelwago Boto e ka –

(a) ka tsebišo ya go ngwalwa, romela ka poso ya go retšisetariwa, tloša goba go fega tumelelo ye e swerwego ke motho yoo paka yeo e bonago e lokile; le

(b) pakeng yeo Boto e ka go bona go swanelwa, go sa kgathalege ge e ba goba tumelelo ye e swerwego ke motho yoo e tlošitšwe goba aowa, ka fase ga temana ya (a), gana go lekodišiša kgopelo ya go aba goba go fetišetša tumelelo go yena goba go khamphani yeo e lego molaodi goba go mpshafatša tumelelo ye e swerwego ke yena goba khamphani.

(6) Go ya ka dinepo tša karolwana (5) tatofatšo ya khamphani ka molato wo o bolelwago ka go yona karolowana yeo, e tla tšewa go ba tatofatšo gape ya motho yo mongwe le yo mongwe yo e bego e le molaodi wa khamphani yeo ka nako yeo khomišene ya molato wo go bolelwago ka wona.

Kgomišo ya tumelelo go ya ka peakanyo ya dinamelwa tša banamedi

53. (1) Ge go ya ka mabaka a leano la tshepetšo ya banamedi go bonala gore –

(a) go abela go feta tekanyo ga ditirelo tša mohuta wa dithekisi peesana mo tseleng goba kgokagano ya ditsela go hlotšwe ke go ntšhwa gape ga diphomete tše di akanywago go karolo 35; goba

(b) go bile le phetogo ya didirišwa go tsela goba kgokagano ya ditsela goba mokgwa woo ditirelo tša mohuta wa dithekisi tša peesana di abjago ka gona, e hlola kabelo ya go feta tekanyo ya ditirelo tšeo;

maatla a togaleano a swanetše go šomiša maitekelo a yona a makaone go abela baswari ba diphomete ba swanetšego ditirelo tše dingwe goba ditirelo tša go tliša ditseno tša go swana, tšeokabelo e ka se ganwego ke baswari ka mo go sa kwagalego.

(2) (a) Ge ditirelo tše dingwe tše di akanywago go karolwana (1) di se gona, Boto e ka thoma ka morero wa go tloša diphomete tša go feta tekanyo.

(b) Go kgonagatša morero wo o bolelwago go temana ya (a), Boto e tla mema baswari ba diphomete go tsela goba kgokagano ya ditsela tše di akanywago go karolwana (1) go šupetša ka goba pele ga tšatšikgwedi ye e beilwego ka go ngwala kgoboko ya hlatswadiatla yeo e ikemišeditšego go e neela diphomete tša yona.

(3) Morago ga lekodišiša dikgoboko tšeo di tlišitšwego ke baswari (ge e ba di gona), taolo ya peakanyo e ka lefela dikgoboko tše di dirilwego gape Boto e ka tloša diphomete tše swanetšego.

(4) Ge ka morago ga go fetša morero wo go bolelwago ka wona go dikarolwana (2) le (3), go sa na le diphomete tša go feta tekanyo mo tseleng goba kgokagano ya ditsela ye go boletšwego ka yona Boto, ge e bona go le maswanedi go tloša diphomete tšeo, e ka tšwela pele go tloša diphomete tše ka

tsela ya "go ntšha pele tšeo di tlilego morago" ebile maatla a togaleano e tla lefela baswari hlatswadiatla ye e bonagalago ye e akantšwego go ya ka ditšhupetšo tše di beilwego ke Molekgotlaphethišo.

(5) Magato ka moka a a tšerwego ke Boto go ya ka karolo ye a tla dirwa ka tumelelano le maatla a togaleano a swanetšego.

Go swarwa ga mebotoro

54. (1) Mohlankedi yo a filwego maatla yo a tlogago a kgotsofetše gore mmotoro o šomišetšwa ditirelo tše sa dumelelwago, a ka swara mmotoro.

(2) Mmotoro wo o swerwego ka fase ga karolwana (1) o tla bolokwa ke Kgoro ebile o ka se lokollwe go fihla ge, ge e le gore moswari wa phomete yo a dumeletšego tšhomišo ya mmotoro woo, o latofaditšwe ka go phethagatša ditirelo tše sa dumelelago –

(a) ge a lefile tšhelete ye e beilwego ya taolo, tšhelete yeo e tla go šomišetšwa go lefa dikoloto tša kago le tlhokomelo ya seswarwa seo goba diswarwa mola mašaledi, ge a le gona, a tla lefelwa go Sekhwama sa Dinamelwa-setoropo tša Profense; le

(b) a ka ba a lefetše kotlo ye e mo lebanego goba a feditše nako ye a e beetšwego kgolegong,

Ge e le gore tšhelete ya taolo ya tshwaro ya bobedi e tla ba bokaalo bjo bo kgethetšwego le gona e tla oketšwa gabedi go tshwaro efe le efe ye e latelago.

(3) Tshwaro ya ya mmotoro ka fase ga karolo yee ka se lokolle moswari yoo, goba mong goba mootledi go ahlolelwa molato ka fase ga Molao goba molao wo o amanago le taolo ya therafiki ya tsela.

Magato a kgethegilego ka gare ga ditikologo tše itšego

55. (1) Molekgotlaphethišo a ka, ge a bona go le maleba, ka tsebišo ka Kuranta ya Profense, hlaola lefelo, tsela goba dikgokagano tša ditsela mabapi le magato a kgethegilego a a tšweletšwago ka mo go karolo ye a tla go šoma.

(2) (a) Molekgotlaphethišo a ka dira melawana ya go tšweletša gore e tee goba tše dintši tša ditsela le direnke di tla tswalelwa go šomišetšwa ditirelo tša mohuta wa dithekisi peesana mo lefelong le le hlaotšwego ka fase ga karolwana ya (1) paka yeo e beilwego go melawana, le gore ga go motho yo a ka go phethagatša ditirelo mo tseleng goba ditseleng goba mo renkeng goba direnkeng pakeng yona yeo.

b) Melawana ye e ka tšweletša gore go tshelwa ga yona go tla hlola molato le go kgethela kotlo go ya ka fao.

(3) Melawana ya karolwana ya (2) e ka tšweletša kabo ya diphomete tša nakwana go baswari ba diphomete tšeo di dumelelago tšhomišo ya mebotoro ya bogolo

bja bodulo bja go feta batho ba 17, go akaretšwa mootledi, go šomiša ditsela tše tswaletšwego paka ya tswalelo ya yona.

KGAOLO 7

TIRIŠO YA MOLAO

Ditshenyo le dithibelo

56 Motho yo a –

(a) tsenelago ditirelo tša mohuta wa dithekisi peesana ka ntle ga tumelelo ya phomete;

(b) ka go ba moswari wa phomete, a tsenela ditirelo tša mohuta wa dithekisi-peesana kgahlanong le mabaka goba dinyakwa tša phomete, goba a palelwa ke go obamela mabaka afe le afe a phomete;

(c) ka go ba moswari wa phomete goba modiredi goba mošomedi wa moswari wa phomete, a thuša motho yo a se nago le phomete, go šomiša phomete ya moswari wa phomete;

(d) ka maikemišetšo a go hlalefetša, fora, fetola, senya sebopego, gagola goba go oketša mo phometeng;

(e) ka go tseba gore go ngwala go gongwe le go gongwe ga se phomete goba tokumente ye e abilwego ka fase ga Molao wo, a šomiša go ngwalwa mogoba tokumente ye nngwe ka merero ya Molao wo;

(f) ka go tseba gore phomete efe le efe goba tokumente ye e abilwego ka fase ga Molao wo e fetošitšwe, sentšwe, gagotšwe goba oketšwa, a e šomiša ka dinepo tša Molao wo;

(g) ka ntle le ge go dumelelwa ke Molao wo, a fetišetša tumelelo goba leswao le le hlaolago, kantle le kwano ka go ngwalela Boto, go mmotoro goba motho yo e sego mmotoro goba motho yo go bolelwago ka yena goba a ngwadilwego phometeng goba leswaong le le hlaolago;

(h) a itira o ka re ke mohlankedi yo a filwego maatla;

(i) a thibela ka boomo goba go tsenatsena le mohlankedi yo a filwego maatla morerong wa go phethagatša maswanedi a gagwe goba go go dira mešomo ya gagwe;

(j) a palelwa ke go obamela taetšo goba taelo yeo e dirwago ke mohlankedi yo a filwego maatla;

(k) ka ntle ga mabaka a a kwagalago, a palelwa goba go gana go hlaga pele ga Boto goba leloko ka gona morago ga ge a be a swanetše go dira hlo

Molao wo, goba a palelwa goba go araba go ya ka moo a tsebago potšišo yeo a e filwego ka semolao goba go tšweletša puku, leano goba tokumente efe le efe goba letlakala leo a bego a tlamega go le tšweletša;

(l) efa bohlatse bja maaka ge a swanetše go fa bohlatse go ya ka Molao wo;

(m) a palelwa ke go bea bohlatse bjo go bolelwago ka bjona go karolo 34(6) mo go kgopelo ya gagwe;

(n) a kgopela goba a hwetša phomete a tseba gore phomete ye nngwe e šetše e ntšheditšwe motho yo mongwe goba motho yo mongwe ka molao malebana le mmotoro wona woo;

(o) kgorametša leswao le le hlaolago mo mmotorong wo o šomišetšwago ditirelo tša mohuta wa dithekisi tša peesana leo le sego la ntšhwa ka semolao ka fase ga Molao wo goba molao wo mongwe;

(p) a palelwa ke go hlomesetša goba go boloka leswao le le hlaolago go mmotoro ofe le ofe ka ge go kgethetšwe;

(q) palelwa ke go bušetša leswao le le hlaolago go Boto goba go le senya morago ga gore go nyakwe gore le bušetšwe goba go senywa ke Boto goba Kgoro;

(r) ka go ba monamedi ka mmotorong, a palelwa ke go tšweletša leina le aterese go mohlankedi yo a filwego maatla goba go fa go yena mohlankedi yoo gore o goba ga se a lefela leeto leo go bolelwago ka lona;

(s) ka go ba moswari wa phomete a tsenela ditirelo tše sa dumelelwago;

(t) a tshela goba go palelwa ke go obamela kotlo yeo e sa fetego R100 000, goba kgolego ya paka yeo e sa fetego mengwaga ye meraro goba bobedi kotlo le kgolego;

o bonwa molato le go lebanwa ke, morago ga tatofatšo, kotlo ye e sa fetego R100 000, goba kgolego ya paka yeo e sa fetego mengwaga ye meraro goba bobedi tefo le kgolego.

Dikgopolo le bohlatse bja dintlha tše dingwe

57. (1) Mo kahlolong ka fase ga Molao wo –

(a) motho yo a sepedišitšego motho ka tsela ya mmotoro wa bogolo bja madulo a batho ba 17, go akaretša mootledi, goba yo a dumeletšego leeto ka tsela yeo ya motho ka tlaleletšo ya mootledi wa mmotoro woo, o tla tšewa, ka ntle ga bohlatse bjo bo thulanago, ka gona go ba a tsenetše ditirelo tša dithekisi tša peesana goba ditirelo tša dithekisi tša methara, ka fao go lego ka gona;

(b) ge e le gore go kgonthišitšwe gore motho o sepedišitšwe ka mokgwa wa go thulana le Molao wo ka tsela ya mmotoro o itšego, mong wa

mmotoro o tla tšewa go ba, ge go se na bohlatse bja bo ganetša, a sepedišitše motho yoo;

(c) ge motho a ka hwetšwa a swere sengwalwa sefe le sefe se se bontšhago go ba phomete ya bofora yeo e ntšhitšwego ka fase ga Molao wo, goba yoo a swerego phomete yeo e fetošitšwego, sentšwego, gagotšwego goba e okeditšwego go thulana le Molao wo a ka hwetšwa, o tla tšewa ge go se na bohlatse bjo bo ganetšago, go ba a dirile sengwalwa seo goba a se fetošitše, sentše, gagotše goba a okeditše go phomete.

(2) Tokumente yeo e tšewago go ba phomete yeo e ntšhitšwego ka fase ga Molao wo, goba khopi ya phomete yeo yeo a hlatselwago goba khopi ya nnete ke motho yo a rego ke mohlankedi wa Boto, e tla ge e tšweletšwa ke motho mo kahlolong ka fase ga Molao wo, amogelwa bjalo ka bohlatse le bohlatse bjo bo sa tšwago bo ganetšwa bja gore ke phomete yeo e ntšhitšwego ka therešo ka fase ga Molao wo, goba ke khopi ya nnete ya phomete yeo, go ya le ka moo go lego ka gona, le gore setatemente sefe le sefe seo se lego ka fao ke sa nnete.

(3) Tokumente yeo e bolelago gore mmotoro o ngwadišitšwe semolao ka leina la motho yo a ngwdilwego ka fao, ebile e šupa gore e ntšhitšwe ke taolo yeo e filwego mošomo wa go ngwadiša mebotoro lefelong leo mmotoro o ngwadišitšwego gona, e tla amogelwa go ba bohlatse le bohlatse bjo sa tšwago bo ganetšwa bja bonnete bja ditatemente tšeo di lego ka fao mo kahlolong ya molato ka fase ga Molao wo.

Maatlataolotoka

58. Kgorotsheko ya maseterata ba na le maatlataolotoka a go leka go molato ofe le ofe mabapi le molato wo o akantšwego mo Molaong wo le go fa kotlo efe le efe go ya ka gona.

Kgaolelo ya tlamego

59. Ga go motho yo a tlamegago yo a lebanwego go ya ka se sengwe le se sengwe se se dirilwego ka botshephegi ka tirišong ya maatla goba tiragatšong ya modiro wo o gafetšwego goba rwešitšwego ke goba ka fase ga Molao wo.

KGAOLO 8

DIPEAKANYETŠO- KAKARETŠO

Melawana

60. (1) Molekgotlaphethišo a ka dira dipeakanyetšo –

(a) go ya ka –

(i) tshedimošo yeo e tla go neelwa le kgopelo ya thušo, mpshafatšo, phetošo goba phetišetšo ya tumelelo;

(ii) tshepedišo ye e tla go latelwa ke Boto tiragatšong ya kgopelo efe le efe;

(iii) tshedimošo yeo e tla go tlišwa le boipiletšo go Lekgotla-diphetho la Dinamelwa la Boipiletšo kgahlanong le tiro, taetšo goba sephetho sa Boto;

(iv) tshedimošo yeo e tla go fiwa ke Boto go Lekgotla-diphetho la Dinamelwa la Boipeletšo goba moipiletši mabapi le boipiletšo, le mokgwa woo, le nako yeo ka gona, tshedimošo e swanetšego go fiwa;

(v) tshedimošo e tla fiwa Kgoro ke baswari ba ditumelelo, masepala le mekgahlo;

(vi) melato yeo Boto e swanetšego go e ela hloko ge go lekodišišwa dikgopelo tša ditumelelo;

(vii) go nomorwa ga ditsela le kabelo ka go mekgahlo ye e itšego goba maloko a tšona, goba mosebemaloko, le ka mokgwa le go aba maswao a a itlhaolago ka yona tsela yeo;

(viii) kabelo ya le pontšho ya maswao a itlhaolago ke bašomiši ba ditirelo tšeo go bolelwago ka tšona go karolo 38;

(b) (i) taolo ya go tsenela tshepetšo ya barutwana ke baswari ba ditumelelo;

(ii) taolo ya dipeakanyetšo tša tlhahlo ya dithekisi;

(iii) malebana le tharollo ya dithulano le kahlolo magareng ga mekgahlo le baswari ba ditumelelo;

(iv) taolo ya ditirelo tša dithekisi tša peesana go akaretša, eupša a sego go kgaoletšwa go, maemo a tirelo, ditefelatsela, mebotoro ye e šomišitšwego le baotledi;

(v) beakanyetša mokgwa wa go hlopha baswari ba ditumelelo le baotledi;

(vi) beakanyetša mokgwa wa go ngwadiša baotledi bao ba akaretšwago go fa ditirelo tša mohuta wa dithekisi tša dipeesana;

(vii) taolo ya peakanyetšo, taolo le tšhomišo ya direnke le boemo;

(c) go nyakega ga tefelo ya tšhelete ya ditshenyegelo tše dirilwego mabapi le –

(i) kgopelo ya thušo, mpshafatšo, phetošo goba phetišetšo ya tumelelo;

(ii) boipiletšo bofe le bofe bjo bo beakanyeditšwego ka mo Molaong;

(iii) go ntšhwa ga tumelelo, maswao ao a itlhaolago goba tokumente goba tobolokeiti,

le go kgethela kgoboko ya tšhelete ye nngwe le ye nngwe, mabaka ao kgoboko e lefilwego ka tsela ya tšhelete ya mohuta wo e tla lahlegelwa ke goba go bušetšwa ka moka goba seripa, kgoboko ya seripa sa pušetšo, le mabaka ao kgoboko ye e lefilwego e ka go ya ka boikgopolelo bja Boto lahlegelwa ka moka goba ya bušetšwa ka moka goba seripa;

(d) go kgethela ditiro tše kgethegilego tše tlemaganego tša kgapeletšo ya molao goba magato a malebana le ditirelo tša mohuta wa dithekisi tša peesana;

(e) go kgethela goba go diragatša ka tsela ye nngwe ya ka taba efe le efe yeo go ya ka peakanyetšo efe le efe ya Molao wo o nyakegago gore goba e ka kgethelwa go ba ka tsela ye nngwe ya sepetšwa ka molawana; le

(f) ka kakaretšo go diragatša go kaonafetšego ga dipeakanyetšo le dilo tša Molao wo.

(2) Molawana ofe le ofe wo o dirilwego ka fase ga karolwana (1) o ka laetša gore motho yo a tshelago peakanyetšo ka fao goba a palelwago ke go e obamela, o tla fegwa molato le go lebanwa ke tatofatšo ya faene, goba ya kgolego ya paka ya go se fete mengwaga ye meraro.

Melawanyana

61. (1) Masepala a ka dira melawana go –

(a) laola bogolo, legoro le palo ya mebotoro yeo e ka go tsena karolo ye itšego ya lefelo la yona la maatlataolotoka le go laetša nako goba dinako tšeo ka tšona legoro la mmotoro le ka go tsena karolo yeo;

(b) laola goba thibela go tsena ga legoro lefe le lefe la mmotoro go karolo yeo nakong ya paka yeo e beilwego;

(c) go thibela go nametša goba go fološa ga mebotoro mo karolong yeo nakong paka goba dipaka tše di beilwego, le go bea nako goba dinako tšeo nametšo goba phološo e ka go dirwa;

(d) laola maitshwaro a baotledi ba mebotoro yeo e šomišetšwago ditirelo tša mohuta wa dithekisi peesana;

(e) laola tšhomišo ka baswari ba ditumelelo, baotledi le setšhaba go tsela efe le efe, mafelo a go nametša goba go fološa, mafelong a go swara, renkeng, boemong, bofetšong goba tirelo ya go neeletšana banamedi;

(f) laola ditokelo le ditlamego tša banamedi;

(g) laola polokego ya tirišo mo mebotorong ya dinamelwa tša setšhaba;

(h) laola tshwaro ya merwalo le diphoofolo mo mebotorong ya dinamelwa tša setšhaba;

(i) laola tshwaro le tahlo ya thoto ye e timeditšwego; le

(j) laola paekanyetšo le tšhomišo ya direnke tša dithekisi.

(2) Molawana ofe le ofe wo o dirilwego ka fase ga karolo ye o ka tšweletša gore motho yo a tshelago peakanyetšo ye goba a palelwa ke go e latela, o tla bonwa molato le go lebanwa ke tatofatšo ya faene, goba kgolego ya paka ye e sa fetego mengwaga ye meraro.

Ditšhelete

62. Ditšhelete ka moka tše di amogetšwego ke Boto, Lekgotla-diphetho goba Moretšisetara ka fase ga Molao wo, go akaretša difaene le dikotlo, di tla lefelwa ka go Sekhwama sa Dinamelwa-setoropo tša Profense, goba, go fela ga Sekhwama seo, ka go Sekhwama sa Dinamelwa tša Naga sa Profense, le ditshenyegelo ka moka tše di dirilwego go taolo ya Molao wo di swanetše go fedišwa go tšwa go Dikhwama tšeo: Ge e le gore tshenyegelo yeo e dirilwego mabapi le phethagatšo ya mešomo ya mohlankedi yo a filwego maatla, e tla fedišwa ke mongmošomo wa mohlankedi yoo.

Phedišo ya melao le dipoloko

63. (1) Dikarolo tša 4, 5, 6, 7, 8, 9,10 le 11(2) tša Molao wa Thwalo- ka- Tsela, 1977, ka go realo di a fedišwa.

(2) Ge go thoma go dirišwa ga Molao wo dithoto, ditahlegelo, ditokelo le ditlamego ka moka tša diboto tša thwalo-ka-tsela ya tikologo-selegae tše di hlomilwego ka fase ga Molao wa Thwalo-ka-Tsela 1977, di tla ba magetleng a Boto.

(3) Go ya ka Molao wo, peo, kgetho, molawana, tsebišo, tumelelo, sephetho, tokollo, taetšo, taelo, phego, tšhupetšo goba mabaka afe le afe ao a fiwago, dirilwego goba e rwešitšwe ka go peakanyetšo efe le efe ya Molao wa Thwalo-ka-Tsela 1977 e tla bitšwa le go swarwa bjalo ka ge e filwe, e dirilwe goba e rwešitšwe ka fase ga dipeakanyetšo tše sepedišwago le Molao wo ke motho goba mošomiši yo a nago le bokgoni go ya ka Molao wo go dira bjalo.

(4) Kgopelo efe le efe ya go ntšha goba go abela tumelelo ye e diretšwego ditirelo tša mohuta wa dithekisi tša peesana goba ditirelo go ya ka Molao wa Thwalo-

ka-Tsela 1977, goba molao wa go swana, wo o se nkego wa lahlwa ge go thoma go dirišwa Molao wo, e tla bitšwa go ba kgopelo ka fase ga Molao wo go ntšha le go abela tumelelo ya maleba.

(5) Tebanyo efe le efe go "boto" goba 'boto ya dinamelwa tša tsela ya tikologo-selegae" goba "mohlahlobi' ka mo go Molao wa Thwalo-ka-Tsela 1977, e tla hlalošwa go ba tebanyo go Boto goba mohlahlobi, ka tatelano.

Thaetlele ye kopano le go thoma

64. (1) Molao wo o bitšwa Molao wa Magareng wa Dinamelwa tša Banamedi wa Profense ya Leboa, 1999, gomme o thoma go šoma, ka tšatšikgwedi yeo e tlago go beakanywa ke Tonakgolo ka tsebišo ka gare ga Kuranta ya Profense.

(2) Ditšatšikgwedi tše fapanego di ka beakanywa bjalo go ya ka dipeakanyetšo tše fapanago tša Molao wo, gomme ditšatšikgwedi tše di beakantšwego bjalo, di ka fapana go ya ka mafelo a fapanego ka mo gare ga Profense.

NḐIVHADZO YA VUNDU

OFISI YA PREMIA

No. 13 **8 Lambamai 2000**

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

No 4 wa 1999: Mulayo wa Vhuendi wa Vhanameli wa Tshifhinganyana wa Vundu ḽa Devhula, 1999.

MULAYO

Wa u vhetshela u itela ndaulo ya tshumelo ya lushaka lwa thekhisi dza zwibisana zwi tshi ya nga u vhewa ha mulayo wa vhuendi ha vhathu wo fhelelaho;u vhetshela u itela u thomiwa ha Bodo dza Thendelo dza Vundu, Khoro ya Khaṱhulo na Muredzhisṱarara wa Thekhisi wa Vundu; u vhetshela u itela u redzhisṱariwa ha madzangano a thekhisi dza zwibisana, miraḓo na vhathu vhane vha si miraḓo; u vhetshela u itela ndaulo na ndango ya indasṱiri ya thekhisi dza zwibisana; u sa katela na mbetshelo dza Mulayo wa Vhuendi ha Badani, 1977, u bva kha tshumiso ya tshumelo dza lushaka lwa thekhisi dza zwibisana; na u vhetshela mafhungo a elanaho na zwenezwo.

(Tshipiḓa tsha Tshiisimane tsho sainwaho nga Premia)
(Tsho ḓivhadzwa kha nga la 23 Ṭhafamuhwe 2000)

HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu ḽa Devhula ngaurali:-

ZWI RE NGOMU MULAYONI

Khethekanyo

NDIMA 1

DZIṰHANḒAVHUDZO

1. Dziṱhanḓavhudzo

NDIMA 2

BODO YA THENDELO YA VUNDU ḼA DEVHULA

2. U thomiwa ha Bodo ya Thendelo ya Vundu ḽa Devhula
3. Mbumbo ya Bodo
4. Miṱangano ya Bodo
5. Matshimbidzele miṱanganoni ya Bodo
6. Malamba na magavhelo a miraḓo ya Bodo
7. Vhashumeli vha Bodo
8. Tshitafu tshaBodo
9. U vhewa ha zwipikiṱere

NDIMA 3

KHORO YA KHAṰHULO YA VUNDU

10. U thomiwa ha Khoro ya Khaṱhulo ya Vundu
11. Miṱangano ya khoro

12. Khaṱhululo kha khoro
13. Tshitafu tsha khoro

NDIMA 4

VHUPULANI HA VHUENDI

14. Maga nyangaredzi u itela vhupulani ha vhuendi, na vhushaka hao na mveledziso ya mavu
15. Muhanga wa vhuendi ha mavu a vundu
16. Tshaka dza pulane dzi ṱoḓiwaho nga uyu Mulayo
17. Vhulaedzwa ha Vhupulani
18. Rekhodo dza zwino dza vhuendi ha vhathu
19. Zwiṱirathedzhi zwa thendelo
20. Pulane dza ndivhanele
21. Pulane dza vhuendi ha vhathu
22. Pulane dza vhuendi ho ṱanganelanaho
23. Mbekanyamaitele na maga a vundu nga u angaredza u itela vhuendi ha mavuni ngomu ha mveledziso
24. Khuḓano vhukati ha vhupulani ha vhuendi na ndivho dza mveledziso ya mavu kana vhupulani
25. Maanḓa a Muraḓo wa Khorotshitumbe a u ita dzindaulo malugana na vhupulani ha vhuendi

NDIMA 5

U VHEWA HA MUREDZHISṰARI WA THEKHISI WA VUNDU NA U REDZHISṰARIWA HA MADZANGANO A THEKHISI, VHATHU VHA RE MIRAḒO NA VHA SI MIRAḒO

26. Muredzhisṱari wa thekhisi wa Vundu
27. Mishumo ya Muredzhisṱari
28. Mishumo ya Muraḓo wa Khorotshitumbe
29. U redzhisṱariwa ha madzangano, vhathu vha re miraḓo na vha si miraḓo
30. Zwiga zwa u ṱalula
31. Phanele ya vhalingi
32. U dzudzanyiwa ha mafhungo
33. U kundelwa nga dzangano kana muthu a si muraḓo kha u tevhedza ndayotewa yaḽo kana Maga a Vhuḓifari u itela vhathu vha si miraḓo , khathihi, na maanḓa a ndaṱiso a Muredzhisṱari

NDIMA 6

NDAULO NA NDANGO YA TSHUMELO DZA THEKHISI DZA LUSHAKA LWA TSHIBISANA

34. Khumbelo malugana na thendelo
35. U bvela phanḓa na u shandulwa ha thendelo dzi re hone
36. U shandulwa ha phemithi dzi sa ṱoḓei kha maṅwe maimele
37. Nḓila ya u shandula thendelo u ya kha thendelo
38. Mbofholowo
39. U fheleliswa ha khumbelo malugana na thendelo
40. Tshandukiso ya tshiendedzi
41. U anḓadzwa ha khumbelo na vhuimeleli malugana na thendelo
42. Mafhungo ane a tea u dzhielwa nṱha kha u fheleliswa ha khumbelo malugana na thendelo
43. Tshumelo dza thekhisi vhukatini ha mavundu
44. Tshumelo dza thekhisi dza dzitshaka
45. Tshumelo dza vhuendelamashango
46. Vhulapfu ha tshifhinga tsha thendelo
47. U bviswa ha thendelo na mbetshelo dza zwenezwo
48. Rekhodo dza thendelo
49. Tsudzuluso ya tshiendi lwa tshifhinganyana tshine thendelo ya yelana
50. Maanḓa nyengedzedzo a hwalwaho nga thendelo
51. Ndivhanele dza mufari wa thendelo
52. U humiswa , u imiswa kana khwiniso ya thendelo
53. U humiswa ha thendelo malugana na pulane ya vhuendi ha vhanameli
54. U dzhiululwa ha tshiendedzi
55. Maga a sipeshala kha maṅwe masia

NDIMA 7

KHWAṰHISEDZO YA MULAYO

56. Vhukhakhi na thivhelo
57. Khumbulelo na vhuṱanzi ha vhuṅwe vhungoho
58. Maanḓa a mulayo
59. Vhuhulu ha khwalo

NDIMA 8

MBETSHELO NYANGAREDZI

60. Dzindaulo
61. Milayo yapo
62. Gwama
63. U phumulwa ha milayo na mbulungo
64. Dzina ḽipfufhi na mathomo

NDIMA 1

DZIṰHANḐAVHUDZO

Dziṱhanḓavhudzo

1. Kha uyu Mulayo, nga nnḓa ha musi zwi re ngomu zwi tshi sumbedza nga iṅwe ndila –

"Bodo"zwi amba Bodo ya Thendelo ya Vundu ḽa Devhula yo thomiwaho nga khethekanyo 2;

"Bodo ya Nyanḓadzo ya Vhuendela Mashango ya Vundu ḽa Devhula" zwi amba Bodo ya Nyanḓano ya Vhuendela Mashago ya Vundu ḽa Devhula yo thomiwaho hu tshi tevhedzwa Mulayo wa Bodo ya Nyanḓadzo ya Vhuendela Mashango ya Vundu ḽa Devhula, 1997 (Mulayo No. 7 wa 1997);

"Dzangano" zwi amba tshigwada tsha vhathu vha shumisaho lushaka lwa thekhisi dza tshibisana kana tshumelo ya thekhisi dza mielo kha tshivhili tshine khatsho zwivhili kana zwinnzhi zwa zwigwada zwo ḓibadekanya, sa ndivho ya zwo khulwane zwi na dzangalelo ḽa u bveledza tshigwada tsha miraḓo yatsho, nahone tshi ṱoḓaho u shumisa mbuyelo yatsho kha u bveledza dzangalelo ḽenelo;

"dzangano ḽa vhukati ha mavundu" zwi amba dzangano ḽine miraḓo yaḽo ya namedza kana ya tsitsa vhanameli kha vundu na hu thihi kana hunzhi ha maṅwe mavundu;

"dzangano ḽo teaho" zwi tshi elana na khumbelo ya thendelo, zwi amba dzangano ḽine miraḓo yaḽo ya shuma kha ndila, tserekanyo ya ndila kana ngomu vhuponi vhune khumbelo ya tenda;

"foramu ya vhuendi hapo" zwi amba foramu ya vhuendi hapo kana foramu ya vhuendi ha dzingu, sa zwine zwa nga vha zwo;

"Khoro" zwi amba Khoro Khaṱhululi ya vundu yo thomiwaho fhasi ha khethekanyo 10;

" Khoro Khaṱhululi ya Vhuendi" zwi amba Khoro Khaṱhululi ya Vhuendi yo thomiwaho fhasi ha khethekanyo 2 ya Mulayo wa Khoro Khaṱhululi ya Vhuendi, Mulayo, 1998;

"Maitele a ndaḽso" zwi amda sethe ya ndayo dzi vhumbaho tshipiḓa tsha Ndayotewa yo Linganelaho ine dzangano ḽo redzhisṱariwaho ḽa tea u tevhela kha u sedzulusa muhumbulelwa kha u pfukwa ha maga a vhuḓifari nga muraḓo na u itela ndaḽso ya miraḓo ine ya wanala i na vhukhakhi, ha u pfukwa ha maga a vhuḓifari;

" **Maga a Vhuḓifari**" zwi amba sethe ya milayo i vhofhaho miraḓo ya madzangano o redzhisṱaraho ane a vhumba tshipiḓa tsha Ndayotewa yo Linganelaho;

"**Maga a Vhuḓifari u itela vhathu Vha si Miraḓo**" zwi amba sethe ya ndayo dzi randelwaho dzi vhofhaho vhathu vha si miraḓo vho redzhisṱaraho;

"**masipala**"·

(a) u swikela musi mulayo wo bulwaho kha khethekanyo 155(2) wa Ndayotewa ya Riphabuliki ya Afrika Tshipembe. 1996 (Mulayo No. 108 wa 1996), u tshi thoma u shuma, zwi amba tshivhili tsha muvhuso wapo tshifhio na tshifhio tsho ṋewaho maanḓa a mulayo wa tshumiso na mulayo wa masipala (naho hu kha mutheo wa u kovhana kana u sa katela) malugana na vhuṅwe vhupo hu tshi tevhedzwa Mulayo wa Pfukiso wa Muvhuso Wapo, 1993 (Mulayo No. 209 wa 1993), zwi tshi elana na khethekanyo 155(1) ya Ndayotewa;

(b) u bva nga datumu ye uyu mulayo wa thoma u shuma, zwi amba masipala sa zwo laedzwaho kha uyu mulayo;

"**Matshimbidzele a Zwililo**" zwi amba tshipiḓa tsha Ndayotewa yo Linganelaho tshine tsha ṱanḓavhudza maga ane a tea u tevhelwa musi muraḓo o khakhelwaho kana tshigwada tsha miraḓo ya dzangano ḽo redzhisṱariwaho tshi tshi tea u swikisa u itela khaṱhulo ya mafhungo a ngomu kha dzangano, na u ṋetshedza u itela tsheo ya zwililo nga kha maitele a bvelaho phanḓa a nyambedzano na thandululo ya dziphambano, nga vhupfumedzanyi na vhulamukanyi;

"**mufari**" malugana na thendelo. zwi amba muthu we a ṋewa thendelo: .

"**Muhasho**" zwi amba Muhasho wa Ndaulo ya Vundu u re na vhuḓifhinduleli na vhuendi ha vhathu kha Vundu:

"**Muofisiri o tendelwaho**" zwi amba tshipikiṱere, muraḓo ufhio na ofhio wa Tshumelo ya Mapholisa ya Afrika Tshipembe, kana muṅwe muthu o tendelwaho nga mulayo u ṱola zwiendedzi kana ḽaisentsi dza zwiendedzi, kana u langula vhuendi.

"**Muraḓo wa Khorotshitumbe**" zwi amba Muraḓo wa Khorotshitumbe a re na vhuḓifhinduleli ha vhuendi ha vhathu kha Vundu;

"**Muredzhisṱari**" zwi amba Muredzhisṱari wa Vundu ḽa Devhula o vhewaho fhasi ha khethekanyo 26:

"**mushumisi**" zwi amba muthu o tendelwaho nga thendelo u ḓisedza tshumelo ya lushaka lwa thekhisi ya tshibisana;

"**muthu a si muraḓo**" zwi amba mufari wa thendelo yo redzhisṱariwaho, a sa weli kha dzangano ḽo redzhisṱariwaho;

"**ndaulo**" zwi amba ndaulo yo itwaho fhasi ha uyu Mulayo;

"**Ndayotewa yo Linganelaho**" zwi amba sethe ya matshimbidzele na ndayo zwo randelwaho zwi langulaho mafhungo a madzangano o redzhiṱariwaho nahone zwikatela Maga a Vhuḓifari, Matshimbidzele a Zwililo na Matshimbidzele a Ndaṱiso u itela miraḓo ya ayo madzangano;

"**nyandano**" zwi amba nyandano sa zwo ṱanḓavhudzwaho kha Mulayo wa nyanḓano, dza1991 (Mulayo No. 91 wa 1981)

"**Phanele**" zwi amba Phanele ya Vhalingi yo vhewaho fhasi ha khethekanyo 31;

"**phemithi**" zwi amba thendelo i tendelaho tshumelo dza lushaka lwa thekhisi ya tshibisana kana tshumelo yo bviswaho fhasi ha uyu Mulayo nahone zwi katela ḽiṅwalo ḽo tendelwaho sa phemithi nga uyu Mulayo kana nga Muraḓo wa Khorotshitumbe nga nḓivhadzo kha *Gazethe ya Vundu*;

"**randela**" zwi amba u randela nga ndaulo, nahone "**randelwaho**" zwi na ṱhalutshedzo i yelanaho;

"**redzhiṱariwaho**' zwi amba u redzhiṱariwa kana u redzhiṱariwa lwa nyimelo fhasi ha ndima 5;

"**sendekiwaho**" zwi amba uri vhunzhi ha miraḓo ya dzangano kana dzangano ḽa vhukati ha mavundu kana murado kana muthu a si muraḓo a kwameaho, sa zwine zwa nga vhisa zwone, vha tshi ita kana a tshi ita dzitshumelo dzawe kana dzavho ngomu kha Vundu;

"**thekhisi ya tshibisana**" zwi amba tshiendedzi tshi shumiswaho u itela tshumelo ya lushaka lwa thekhisi ya tshibisana;

"**thendelo**" zwi amba thendelo i ṱoḓiwaho nga khethekanyo 34, yo ṉewaho na u bviswa hu tshi tevhedzwa Ndima 8 fhedzi a i kateli thendelo ya sipenshala.

"**Ṱhoho ya Muhasho**" zwi amba Ṱhoho ya Muhasho sa zwo ṱanḓavhudzwaho nga Mulayo wa Tshumelo ya Vhathu; 1994, nga he wa khwiniswa;

"**tshiendedzi**" zwi amba tshiendedzi sa zwo ṱanḓavhudzwaho kha Mulayo wa Vhuendi ha Badani, 1989 (Mulayo No. 29 wa 1989);

"**Tshikwama tsha Vhuendi tsha Dziḓoroboni tsha Vundu**" zwi amba tshikwama tsho thomiwa fhasi ha khethekanyo 8A ya Mulayo wa Vhuendi ha Dziḓorobono,1977 (Mulayo No. 78 wa 1977);

"**tshipikiṱere**" zwi amba tshipikiṱere o laedzwaho kha khethekanyo 9;

"**tshumelo dzi so ngo tendelwaho**" zwi amba tshumelo dza vhuendi ha vhathu dzi so ngo tendelwaho nga thendelo ifhio na ifhio nahone dzi katela idzo tshumelo dzo

itwaho nga mufari wa thendelo nga nnḓa ha musi zwi tshi yelana na mbetshelo dza phemithi;

"**tshumelo ya thekhisi ya tshibisana ya muelo**" zwi amba tshumelo ya vhuendi ha vhathu yo ṋetshedzwaho hu tshi tevhedzwa thendelo ya nḓila yo bulwaho kana nḓila tserekano kana ngomu ha vhupo ho ṱanḓavhudzwaho vhu siho fhasi ha tsumbamushumo ya misi, nga nḓila ya tshiendedzi tshi re na vhuhulu ha vhudzulo ha fhasi ha vhathu vha 17 hu tshi katelwa na mureili nahone hune munameli muṅwe na muṅwe a badela mbadelo yo fhambananaho, fhedzi hu sa katelwi tshumelo;

"**tshumelo ya thekhisi ya dzitshaka**" zwi amba tshumelo ya lushaka lwa thekhisi ya tshibisana kana tshumelo ya thekhisi dza mielo dzi bvelelaho kha zwiṅwe zwipiḓa zwa Riphabuliki na kha zwiṅwe zwipiḓa zwa ḽiṅwe shango kana u pfukela nga kha Riphabuliki u ya kha ḽiṅwe shango;

"**tshumelo ya thekhisi ya vhukati ha mavundu**" zwi amba tshumelo ya lushaka lwa thekhisi ya tshibisana kana tshumelo ya thekhisi ya muelo i shumaho kha tshiṅwe tshipiḓa vunduni na kha tshiṅwe tshipiḓa tshithihi kana zwinzhi kha maṅwe mavundu, hu sa katelwi na tshumelo ya thekhisi ya dzitshaka;

"**Tshumelo ya u hira tshiendedzi**"zwi amba tshumelo i katelaho u hiriwa ha tshiendedzi na mureili wa lwendo lwo lugiselwaho phanḓa na mutengo, u ya kha vhuyo vhu fanaho vhune-

(a) mufari kana mureili vha sa ḓo wana mitengo ya vhuṋe; na
(b) muthu ane a khou hira tshiendedzi a vha na pfanelo ya u ta nḓila, datumu na tshifhinga tsha lwendo.

"**tshumelo ya vhuendelamashango**" zwi amba tshumelo ya vhuendi ha vhathu, u itela u endedzwa ha vhaendelamashango, vhe vha buka kha tsumbamatshimbilele ya lwendo ine ya wanala vhathuni, kha u kunga vhaendelamashango;·

"**tshumelo ya vhuendi ha vhathu**" zwi amba tshumelo u itela nyendedzo ya vhathu nga nḓila yo ṋetshedzwaho u itela mbadelo, ndivhuwo kana iṅwe nḓila;

"**tshumelo ya vhulenda**" zwi amba tshumelo ya vhuendi ya vhanameli yo ṋetshedzwaho nga dzangano u itela khasiṱama dzaḽo kana vhashumisi nga nnḓa ha mutengo wo tou livhaho kha mushumisi, nga nḓila ya tshiendedzi tsha dzangano kana tshiendedzi tsho ṋetshedzwaho fhasi ha khonṱiraka.

"**uyu Mulayo**" zwi katela ndangulo;

"**vhulaedzwa ha vhupulani**" zwi amba vhulaedzwa vhu re na vhukoni vhu re na vhuḓifhinduleli ha nzudzanyo ya pulane ya vhuendi ha munameli sa zwo laedzwaho kha khethekanyo 17;

"**Vundu**" zwi amba Vundu ḽa Devhula;

NDIMA 2

BODO YA THENDELO YA VUNDU ḼA DEVHULA

U thomiwa ha Bodo ya Thendelo ya Vundu ḽa Devhula

2. Muraḍo wa Khorotshitumbe u ḍo thoma bodo ya thendelo nthihi u itela vundu nahohe a vhea vhathu sa miraḍo vhane vha mvumbo ya u vhofholowa havho, u sa fhela mbilu na u fhulufhedzea nahone vhane vha vha uri vho tea u vha miraḍo nga zwiitisi zwa u fhesesa havho, vhukoni kana ndivho ya indastiri ya vhuendi ha vhathu nahone vha si na dzangalelo ḽa masheleni ḽo livhaho kana ḽi so ngo livhaho kha yeneyo indastiri.

Mbumbo ya Bodo

3. (1) Bodo i ḍo vhumbiwa nga -

(a) mudzulatshidulo ane, nga kha muhumbulo wa Muraḍo wa Khorotshitumbe ndi muthu o teaho nahone o fanelaho u shuma sa mudzulatshidulo wa Bodo,

(b) na miṅwe miraḍo vha sa fhiriho vhaṉa vhane, nga kha muhumbulo wa Muraḍo wa Khorotshitumbe, vha na ndivho yo teaho kana tshenzhemo malugana na vhuendi ha vhathu, indastiri, mbambadzo, gwama kana mafhungo a mulayo kana kha nyito ya zwa vhathu,

nahone vhane vha ḍo vhewa nga Muraḍo wa Khorotshitumbe.

(2) Muraḍo wa Bodo u ḍo fara ofisi lwa itsho tshifhinga, tshi sa fhiriho miṅwaha miraru, sa zwine Muraḍo wa Khorotshitumbe a nga ta nga itsho tshifhinga tsha u vhewa hawe, nahone u ḍo fanelwa nga u vhewa hafhu nga tshifhinga tsha u fhela ha tshifhinga tshawe tsha ofisi.

(3) Muraḍo wa Khorotshitumbe a nga, nga murahu ha musi o no ṉea Muraḍo wa Bodo tshifhinga tsha u ṉea mulandu wawe, tshifhinga tshiṅwe na tshiṅwe a nga fhelisa tshifhinga tsha ofisi tsha muraḍo ufhio na ufhio arali uyo muraḍo o tewa nga u imiswa hu tshi tevhedzwa khethekanyoṱhukhu (5) kana nga kha mutheo wa u sa ḍifara zwavhuḍi kana u sa vha na vhukoni.

(4) Muraḍo wa Khorotshitumbe u ḍo ri, zwi tshi yelana na khethekanyo-

ṱhukhu (1), u ḓo ḓadza tshikhala tsha misi tsha Bodo nga u vhea muṅwe muthu u lwa tshifhinga tsho salaho tshine onoyo muthu we tshikhala tsha bvelela, a vha o vhewa.

(5) (a) Muthu ha nga ḓo vhewa kana a dzula e muraḓo wa Bodo-

(i) arali uyo muthu-

(aa) e muṱuku kana a tshi vhaisala nga vhuṅwe vhuhole vhu re mulayoni;

(bb) o kana a kundelwa tshoṱhe u lifha mulandu kana a ita vhukhakhi ha u kundelwa u lifha mulandu;

(cc) o ri tshifhinga tshiṅwe na tshiṅwe o kana a bviswa ofisini ya vhathu nga nṱhani ha shaya vhuḓifari;

(dd) o ri tshifhinga tshiṅwe na tshiṅwe o kana a vhonwa mulandu, kana kha Riphabuliki kana huṅwe-vho wa vhuvhava, vhufhura, vhumbulu kana u amba nga ha liṅwalo ḽa vhufhura, u zwifhela khothe, vhukhakhi hu tshi tevhedzwa Mulayo wa Vhuaḓa, 1992 (Mulayo No. 94 wa 1992), kana vhuṅwe vhukhakhi vhu katelaho u sa fhulufhedzea; kana

(ee) nga nnḓa ha thendelo ya Bodo, a sa dzhenele miṱanganoni miraru ya Bodo i tevhekanaho; kana

(ff) o nangiwa sa nkhetheni kha khetho dzinwe na dzinwe dza mirado dza Buthano la Lushaka kana vhusimamilayo ha vundu hu tshi tevhedzwa Mulayo wa Khetho, 1998 (Mulayo No. 73 wa 1998), kana sa nkhetheni kha khetho dzinwe na dzinwe kana khetho dzapo dza masipala hu tshi tevhedzwa mulayo munwe na munwe; kana

(gg) o nangiwa u dadza tshidulo tshi si na muthu Phalamenndeni kana vhusimamilayo ha vundu:

(hh) arali uyo muthu, kana nga ene muṋe kana nga kha mufarisi wawe . mashaka a tsinitsini, mushumisani nae binduni kana mushumisani, o vha na dzangalelo ḽa masheleni kha bindu ḽifhio na ḽifhio kana vhubindudzi vhu elanaho na vhuendi ha vhathu vhune ha nga ri hu tshi iwa nga muhumbulo wa Muraḓo wa Khorotshitumbe, ḽi lwa na kana u dzhenelelana na kushumele kwa mushumo wawe sa muraḓo wa Bodo.

(b) U itela muhumbulo wa phara (a) -

(i) "mufarisi" zwi katela muthu ane muraḓo a dzula nae u tou nga vho vha vho malana kana ane muraḓo a dzula nae misi yoṱhe;

(ii) "shaka ḽa tsinitsini" zwi amba mubebi, ṅwana, murathu kana khaladzi.

(c) Muthu u ḓo ri, phanḓa ha u vhewa hawe sa muraḓo, a ḓisa ḽiṅwalo ḽo tou ṅwalwaho kha Muraḓo wa Khorotshitumbe ḽine khaḽo ha bulwa uri ene o kana ho ngo pandelwana hu tshi tevhedzwa phara (a)(i) nahone o vha kana ho ngo vha na dzangalelo sa zwo laedzwaho kha phara (a)(ii).

(d) Arali muraḓo ufhio na ufhio nga tshifhinga tshawe tsha ofisi a ḓiṱoḓela kana a bula u ḓiṱoḓela dzangalelo ḽine ḽa nga vha dzangalelo ḽo laedzwaho kha phara (a) (ii), ene u tea uri nga u tou ṅwala a bula uyo muhumbulo kha vhoṱhe Muraḓo wa Khorotshitumbe na Bodo, hune kha muṱangano wayo u tevhelaho ya ḓo sedzulusa uri kana iḽo dzangalelo ḽi vhumba kana ḽi nga vhumba u pfukiwa ha phara (a)(ii), nahone arli zwo dzhiwa sa uri a si u pfuka, kana uho u ḓiṱoḓela kana u ḓiṱoṱela ho laedzwaho zwi ḓo ḓiṅetshedzela vhuvhuya ha Bodo.

(e) Bodo i ḓo ri na zwenezwo nga u tou ṅwala ya ḓivhadza Muraḓo wa Khorotshitumbe nga ha tsheo ya Bodo kana themendelo yo laedzwaho kha phara (d).

(f) Muraḓo wa Khorotshitumbe u ḓo, nga murahu ha u sedzulusa tsheo ya Bodo kana themendelo, a ḓivhadza muraḓo a kwameaho arali u ḓiwanela kana u ḓiṱoḓela ho laedzwaho hu tshi vhumba dzangalelo ḽo laedzwaho kha phara (a)(ii) kana zwi ḓo thithisa u sa fhela mbilu ha Bodo hune muraḓo u ḓo ri na zwenezwo a ḓibvula iḽo dzangalelo, hune kundelwa Muraḓo wa Khorotshitumbe a ḓo dzhiya vhukando hu tshi tevhedzwa khethekanyoṱhukhu (3).

(6) (a) Muraḓo wa Bodo ha nga ḓo vouta, u dzhenela kana nga maṅwe maitele u ḓidzhenisa kha u ṱuṱuwedza matshimbidzele muṱanganoni ufhio na ufhio wa Bodo arali, zwi tshi elana na maṅwe mafhungo phanḓa ha Bodo, ene a na dzangalelo ḽifhio na ḽifhio ḽine ḽa mu kundisa kha u ita mishumo yawe sa muraḓo wa Bodo nga nḓila ya vhuḓi, i songo dzumbamaho nahone nga maitele a vhuḓi.

(b) Arali tshifhinga tshiṅwe na tshiṅwe nga tshikhathi tsha matshimbidzele a Bodo zwa vhonala zwauri muraḓo wa Bodo u

na kana a nga vha na dzangalelo ḽifhio na ḽifhio sa zwo laedzwaho kha phara (a) –

(i) uyo muraḓo u ḓo ri na zwenezwo a bvisela khagala lushaka lwa dzangalelo ḽawe nahone a ṱutshela muṱangano u itela uri miraḓo yo salaho ya Bodo vha ambe mafhungo na u ta uri kana uyo muraḓo u a thivhelwa kha u shela mulenzhe kha u bvela phanḓa ha matshimbidzele a uyo muṱangano nga nṱhani ha phambano ya madzangalelo; na

(ii) uho u bvisela khagala, na tsheo yo dzhiwaho nga miraḓo yo salaho ya Bodo malugana na zwiḽa, zwi ḓo rekhodiwa kha maambiwa a uyo muṱangano.

(c) Arali muraḓo ufhio na ufhio wa Bodo a kundelwa u bvisela khagala dzangalelo ḽifhio na ḽifhio ḽo laedzwaho kha phara (a) kana arali, e na iḽo dzangalelo, ene a dzhenela kana u shela mulenzhe nga maitele afhio na afhio kana o ḓiimisela a ṱuṱuwedza matshimbidzele kha muṋangano wonoyo. matshimbidzele eneo a ḓo dzhiwa e si tshithu.

Miṱangano ya Bodo

4. (1) Muṱangano wa u thoma wa Bodo u ḓo farwa nga iyo datumu na itsho tshifhinga na afho fhethu sa zwine mudzulatsshidulo a nga ta. nahone miṱangano yoṱhe henefho nga murahu i ḓo farwa nga idzo datumu na nga izwo zwifhinga na fhethu sa zwine Muraḓo wa Khorotshitumbe a nga ta e na vhukwamani na Bodo.

(2) Arali mudzulatshidulo e siho muṱanganoni wa Bodo, miraḓo vha re hone vha tea u khetha muthihi vhukati havho a tshimbidza muṱangano.

(3) Khoramu ya muṱangano wa Bodo i ḓo vha vhunzhi ha ṱhanganyelo ya nomboro ya miraḓo ya Bodo.

(4) Tsheo ya Bodo i ḓo dzhiwa nga vhunzhi ha voutu dza miraḓo vha re hone muṱanganoni wa Bodo, nahone nga tshifhinga tsha u lingana ha dzivoutu kha mafhungo afhio na afhio. Muraḓo wa Khorotshitumbe u ḓo vha na voutu ya makhaulakhani kha nyengedzedzo yawe ya voutu ya u ḓiimisela.

(5) Bodo i ḓo vha na dzulo ḽayo na ofisi ya ndaulo fhethu ho tiwaho nga Muraḓo wa Khorotshitumbe nahone ha itwa uri hu ḓivhiwe nga Muraḓo wa Khorotshitumbe nga nḓivhadzo kha gazethe ya vundu.

(6) Muraḓo wa Khorotshitumbe a nga, u itela vhuḓi ha vhathu, thoma ofisi ṱhukhu u itela bodo ya thendelo u itela dzingu ḽiṅwe na ḽiṅwe, nahone hune –

(a) khumbelo kha bodo ya thendelo dzi nga swikiswa na u tanganedzwa;

(b) thikhedzo i nga ṋetshedzwa kha vhathu kha u itiwa ha khumbelo;

(c) thendelo dza ṋetshedzwa, dza vusuludzwa, khwiniswa kana u pfukiselwa nga bodo ya thendelo, na u ṋetshedzwa ha zwiga zwiṱaluli u itela zwiendedzi zwine thendelo ya elana na.zwo.

Matshimbidzele miṱanganoni ya Bodo

5. (1) Bodo i nga ri, u itela muhumbulo wa u shumana na mafhungo a re phanḓa hayo hu tshi tevhedzwa uyu Mulayo kana muṅwe mulayo -

(a) tendela muthu a kwameaho nga kana a re na dzangalelo kha mafhungo, kana ya tendela muimeleli wa uyo muthu, u ḓivhonadza phanḓa hayo nahone -

(i) a ṋea vhuṱanzi kana u ṋea vhuimeleli nga mulomo vhu elanaho na mafhungo, kana

(ii) u vhidza ṱhanzi dza ṋea vhuṱanzi kha mbudziso dzi elanaho na mafhungo; kana

(iii) u vhudzisa muthu a re ṱhanzi kha ayo mafhungo.

(b) nga nḓivhadzo yo tou ṅwalwaho sa zwo randelwaho na u ḓisedzwa nga nḓila yo randelwaho, ṱoḓa muthu uri a ḓivhonadze phanḓa hayo uri a nee vhuṱanzi kana u ṋetshedza bugu, pulane kana maṅwe maṅwalo kana ḽiṅwalo ḽine uyo muthu a vha naḽo kana fhasi ha ndaulo yawe;

(c) u vhidza muthu a re hone kana fhethu hune mafhungo a khou shumiwa hone, a ḓivhonadze phanḓa hayo uri a ṋee vhuṱanzi, kana u ṋetshedza bugu, pulane kana maṅwe maṅwalo kana ḽiṅwalo ḽine uyo muthu a vha naḽo;

(d) u vhudzisa muthu a ḓivhonadzaho phanḓa hayo sa ṱhanzi;

(e) u hana u thetshelesa muthu a ḓivhonadzaho phanḓa hayo sa ṱhanzi ane a hana u anisiwa na u khwaṱhisedza.

(2) Muthu ane a khou ranga phanḓa muṱangano wa Bodo hune muthu a khou ḓivhonadza sa ṱhanzi a nga laula muano kana khwaṱhisedzo kha muthu ane a khou ḓivhonadza.

(3) Bodo i ṋetshedza tshigwada tshi re na dzangalelo nga kha khumbelo mihumbulo yo tou ṅwaliwaho u itela tsheo ye ya dzhiya.

Malamba na magavhelo a miraḓo ya Bodo

6. (1) Miraḓo ya Bodo vhane vha si vhe kha tshumelo ya tshoṱhe ya Vundu kana ya muvhuso wa Lushaka, vha ḓo ri malugana na tshumelo dzavho vha badelwa malamba na magavhelo sa zwine ·Muraḓo wa Khorotshitumbe a nga ta.

(2) Malamba na magavhelo a vhathu vho laedzwaho kha khethekanyo-ṱhukhu (1) a nga fhambana u ya nga ofisi dze vha fara kana mishumo yo fhambanaho ine vha i ita.

Tshiṱafu tsha Bodo

7. Thoho ya Muhasho u tea, hu tshi tevhedzwa milayo i langaho tshumelo ya vhathu, ṋetshedza tshiṱafu tshi ṱoḓeaho kha u thusa Bodo kha u shuma mishumo yayo.

Mishumo ya Bodo

8. Bodo i ḓo lavhelesa na u ṋea tsheo kha, kana nga iṅwe ndila ya u shumana na khumbelo dzo itwaho khayo hu tshi yiwa nga mbetshelo dza uyu Mulayo kana Mulayo wa Vhuendi ha Badani, 1977 (Mulayo No. 74 wa 1977), nahone i ḓo ri u itela uyu muhumbulo ya dzhiela nṋa mbekanyamaitele dża vhuendi ha vundu dzifhio na dzifhio.

U vheiwa ha zwipikiṱere

9. Ṱhoho ya Muhasho a nga vhea muofisiri ufhio na ufhio a re kha. tshumelo ya Muhasho sa tshipikiṱere tsha vhuendi ha vhathu, ane maanḓa awe na ndivhanele zwa ḓo vha sa zwo randelwaho.

NDIMA 3

KHORO YA KHAṬHULO YA VUNDU

U thomiwa ha khoro ya khaṭhulo ya Vundu

10. (1) Muraḓo wa Khorotshitumbe u fanela uri nga nḓivhadzo kha Gazete ya Vundu a thoma Khoro ya Khaṭhulo ya Vundu.

(2) Khoro i ḓo vhumbiwa nga miraḓo miraru yo vhewaho nga Muraḓo wa Khorotshitumbe vhane muthihi wavho u na tshenzhemo ya miṅwaha ya 10 zwayo a tshi khou shuma sa muimeleli kana ramilayo nahone miṅwe miraḓo vha tea u vha na tshenzhemo yo ṱanḓavhuwaho ya kana vho sumbedza vhukoni kha vhuendi ha vhanameli ha vhathu kana mbambadzo kana mafhungo a zwa masheleni kana nyito ya zwa mafhuno a vhathu.

(3) Muraḓo wa Khorotshitumbe u ḓo vhea muthihi wa miraḓo sa mudzulatshidulo wa Khoro.

(4) Khethekanyo 3(2) u swika (6), 5,6,na 7 dzi ḓo, dzi na tshanduko dzi ṱoḓeaho nga zwi re ngomu, shuma malugana na Khoro.

Miṱangano ya Khoro

11. (1) Muṱangano wa u thoma wa Khoro u ḓo farwa nga iyo datumu nahone. nga itsho tshifhinga na fhethu sa zwine mudzulatshidulo a nga ta, nahone miṱangano yoṱhe henefho nga murahu i ḓo farwa nga idzo datumu nahone nga izwo zwifhinga na afho fhethu sa zwine mudzulatshidulo a nga ta e na vhukwamani na Khoro.

(2) Arali mudzulatshidulo e siho muṱanganoni wa Khoro, miraḓo vha re hone vha tea u vhea muthihi vhukatini havho a tshimbidza kha uyo muṱangano.

(3) Matshimbidzele muṱanganoni wa Khoro a ḓo, hu tshi tevhedzwa iyi khethekanyo, a ḓo tiwa nga mudzulatshidulo e na vhukwamani na Khoro, nahone tsheo kha iḽi sia i ḓo dzhiwa nga murahu ha u sedzwa ha milayo ya vhukhagala na u sa vha na tshiphiri.

(4) Khoramu ya mutangano wa Khoro i do vha vhunzhi ha miradzo ya Khoro.

(5) Tsheo ya Khoro i do dzhiwa nga vhunzhi ha dzivoutu dza miradzo ire hone mutanganoni wa Khoro, nahone tshifhingani tsha u lingana ha dzivoutu kha mafhungo, mudzulatshidulo u do vha na voutu ya makhaulakhani hu tshi engedzwa voutu yawe ya u diimisela.

Khathulo kha Khoro

12. (1) Vhulunga sa zwine zwa nga vhetsheliswa zwone kha uyu Mulayo nahone hu tshi tevhedzwa khethekanyothukhu (2), muthu -

(a) we a ri hu tshi tevhedzwa uyu Mulayo kana Mulayo wa Vhuendi ha Badani, 1977, a ita khumbelo kha Bodo u itela u newa, u vusuludza, u khwinisa kana phriso ya phemithi kana we phemithi yawe ya humiselwa murahu , fhambanyiswa kana u imiswa nga Bodo;

(b) ndi mufari wa thendelo yo newaho nga Bodo,

(c) nga kha maitele nahone vhukatini ha tshifhinga tsho randelwaho, disedza vhuimeleli kha Bodo vhu hanedzanaho na kana u tikedza khumbelo, nahone u khou kwamea nga nyito, ndivho kana tsheo ya Bodo, a nga , nga kha maitele nahone vhukatini ha tshifhinga tsho randelwaho, nga murahu ha musi nyito yo bulwaho yo no shumiwa kana ndaela yo bulwaho kana tsheo ye ya newa nga Bodo, u ita khathulo i hanedzanaho na nyito, ndaela kana tsheo kha Khoro.

(2) Hune Bodo ya divhadza muthu nga ha ndaela kana tsheo yo laedzwaho kha khethekanyothukhu (1) nga ndila ya linwalo lo tou nwalwaho datumu ya ilo linwalo i do dzhiwa sa datumu ye ngayo ndaela kana tsheo ya newa ngayo .

(3) Khoro i tea u tanganedza nahone, hu tshi tevhedzwa mbetshelo dza ivi khethekanyo na dzindaulo, ya sedza khathulo yo newaho hu tshi tevhedzwa khethekanyothukhu (1) nahone i nga , nga kha maanda ayo-

(a) u hanela khathulo nahone ya khwathisa nyito, ndaela kana tsheo ye khathulo ya hanedzana nayo; kana

(b) fara khathulo, vhetshela thungo nyito, ndaela kana tsheo ine khathulo ya khou hanedzana nayo, na –

(i) u shandukisa tsheo ya Bodo nga nyito inwe ifhio na ifhio, ndaela kana tsheo ye Bodo ya nga vha yo kona u i shuma kana u ṋea, kana

(ii) u fhelisa mafhungo e a swikisa kha khaṱhulo kha Bodo u itela tsedzuluso nga huswa; kana

(c) u fara khaṱhulo tshipiḓanyana na u shandukisa nyito ndaela kana tsheo ye khaṱhulo ya hanedzana nayo.

(4) Mudzulatshidulo wa Khoro kana muraḓo henefho we a khethwa nga mudzulatshidulo a nga, nga kha maanḓa awe nahone a songo thoma a ṋea nḓivhadzo kha kana u thetshelesa tshigwada tshifhio na tshifhio tshi re na dzangalelo -

(a) u ṋea khumbelo u itela u ṱuṱuwedza u ḓadzwa ha nḓivhadzo yo lengaho ya khaṱhulo nga nnḓa ha musi khaṱhulo yo swikiswa nga maitele o randelwaho vhukatini ha maḓuvha a 42 nga murahu ha musi Bodo yo no ita nyito kana u ṋea ndaela kana tsheo ine khaṱhulo ya khou itelwa yone, kana ui hana;

(b) u ṋea kana u hanela ya u imisa u shumiwa ha nyito, ndaela kana tsheo ine khaṱhulo ya khou itelwa yone;

(c) u vhetshela thungo nyito, ndaela kana khaṱhulo ine ya khou itelwa Bodo na u sudzulusela mafhungo kha Bodo u itela tsedzuluso nga huswa.

(5) Nyito, ndaela kana tsheo ya Khoro fhasi ha khethekanyoṱhukhu (3)(b)(i) kana (c) i ḓo, nga nnḓani ḥa u itela muhumbulo wa khethekanyoṱhukhu (1), i ḓo dzhiwa sa nyiṱo ya ndaela kana tsheo ya Bodo.

(6) U ya nga hune khaṱhulo dza tshumelo dza lushaka lwa thekhisi dza zwibisana dza vha ngaho, iyi khethekanyo i ḓo shuma fhedzi hune tshumelo dza lushaka lwa thekhisi dza zwibisana dza shuma ngomu ha Vundu.

Tshiṱafu tsha Khoro

13. Ṱhoho ya Muhasho u tea u, hu tshi tevhedzwa milayo i vhusaho tshumelo dza vhathu, u ṋetshedza tshiṱafu tshi ṱoḓeaho tsha u thusa Khoro kha nyito ya mishumo yayo.

VHUPULANI HA VHUENDI

14. Maga nyangaredzi u itela vhupulani ha vhuendi, na vhushaka hao na mveledziso ya mavu.

(1) Hu tshi tevhedzwa heyi khethekanyo, vhupulani ha vhuendi ha mavuni vhu ḓo itwa nga u ralo hu u itela u katela zwoṱhe vhuendi ha vhathu na ha phuraivethe na zwoṱhe zwi shumiswa zwa vhuendi ha mavuni zwi elanaho na vhuponi vhu kwameaho, nahone vhu tea u sedza kha ndila ya Mveledziso na Ekonomi ya u tshimbila u bva kha sia u ya kha sia li re kha sisiteme.

(2) Vhupulani ha vhuendi ha mavuni vhu tea u ṱanganywa na kuitele kwa mveledziso ya mavu. U itela yeneyo ndivho, pulane dza vhuendi dzi ṱodwaho nga uyu Mulayo dzi tea u dzheniswa kha nahone dza vhumba tshipiḓa tsha ndeme tsha pulane ya mveledziso yo ṱanganelaho ine, hu tshi tevhedzwa milayo ya muvhuso wapo i re hone ya ḓo lugiswa nga vhomasipala.

(3) Pulane dza vhuendi dzi tea u bveledziswa nga u ralo u itela –

(a) u hudza u shuma lwa u bveledziwa ha dziḓorobo, dorobo ṱhukhu na vhupo ha mahayani nga kha nzudzanyo yo ṱanganelanaho ya zwishumiswa na zwiimiswa zwa vhuendi, maitele a vhuendi hu tshi katelwa na u tshimbila ha furaha, tshumelo ya mihwalo mihulwane na tshumelo dza vhuendi ha vhathu ngomu ha zwi re ngomu ha idzo pulane dza mveledziso dzo ṱanganelaho na ndivho dza mveledziso ya mavu yo tetshelwaho hu tshi tevhedzwa khethekanyo 27 Mulayo wa Vhuleludzi ya Mveledziṱo, 1995, kana, hu ne zwa konadzea ndivho dza mveledziso ya mavu dzo tetshelwaho hu tshi tevhedzwa milayo ya vundu i elanaho na zwenezwo;

(b) u tholelwa mushumo kana vhuitwa ho livhaho, u shumiswa ha mavu ho ṱanganelanaho na mveledziso ya vhudzulo ho kwakwanesaho vhathu kha dziphasedzhi dza vhuendi ha vhathu dzi re kha ṱhoḓea khulwane dzo ṱumekanaho nga kha dungo ḽa mveledziso ngomu ha dziphasedzhi, na u saṱhula ṱanḓavhuwo ha ḓorobo fhethu hune tshumelo dza vhuendi ha vhathu a dzi ho ngonani;

(c) u ṋea ndeme kha u ḓadza kana u kuvhangana ha vhathu tsini na dziphasedzhi dza vhuendi ha vhathu;

(d) u n̤ea ndeme ya nṱha kha vhuendi ha vhathu u fhirisa kha vhuendi ha phuraivethe nga u vhona uri hu vhe na mbetshelo ya tshumelo ya vhuendi ha vhathu ho teaho na u shumisa maga a ndangulo ya ṱhoḓea ya u enda u itela u sathula vhuendi ha phuraivethe;

(e) u hudza u swikelea kha tshumelo na vhuitwa ha vhuendi ha vhathu; na

(f) u fhungudza nyito ya khumela murahu kha mupo.

(4) Vhupulani ha vhuendi ha vhathu i tea u vhoṅwa sa maitele a sa gumiho ane ngao vhulaedzwa ha vhupulani ha mveledza lwa phurofesheni na u thoma tshumelo dza vhuendi ha vhathu dzo ṱanganelaho u itela vhupo havho.

(5) Nga nnḓa ha musi zwo kovhekanywa zwavhuḓi, kana zwi sa shumei lu pfadzaho kha yeneyo nyimele, vhulaedzwa ha vhupulani, kha u lugisa pulane iṅwe na iṅwe ya vhuendi ha vhathu kana pulane ya vhuendi yo ṱanganelaho, u tea u vhona uri hu vhe na pfananyo na u ṱanganelana ngomu na vhukati ha zwishumiswa zwa vhuendi ha mavuni u itela uri hu koneye u swikelea na u shumiswa ha tshumelo dza vhuendi ha vhathu, zwileludzi na zwiimiswa.

Muhanga wa vhuendi ha mavu a vundu

(15) (1) Muraḓo wa Khorotshitumbe u tea uri ṅwaha muṅwe na muṅwe, hu sa athu u fhira datumu yo tendelaniwaho khayo na Minisṱa a lugisa muhanga wa vhuendi ha mavu a vundu u itela vundu lwa tshifhinga tsha miṅwaha miṱanu u thoma nga ḓuvha la u thoma la ṅwaha wa muvhalelano li ḓaho, hu tshi dzhilelwa nha

mbetshelo dza khethekanyoṱhukhu (2) nahone hu tshi tevhedzelwa na vhutevhedzeli nahone nga nḓila na tshivhumbeo sa zwo randelwaho nga u angaredza nga Minisṱa, nahone u tea uri nga tshenetsho tshifhinga a swikisa kopi ya muhanga wonoyo kha Minisṱa.

(2) Muhanga wa vhuendi ha mavu wa vundu u tea u shuma u livhisa vhuendi ha mavu kha vundu, hu tshi katelwa na vhuendi ha mavuni kha kana u bva mavunduni a vhahura.

(3) Muhanga wa vhuendi ha mavu wa vundu u tea u -

(a) dzula wo ima na mbonalo dza tshiofisi, mbekanyamaitele na ndivho dza vundu;

(b) buledza dzitshanduko kha vundu dza mbekanyamaitele dza vhuendi ha mavu na sitirathedzhi u bva kha pulane ya minwaha mitanu ya nwaha wo fhelaho;

(c) katela mutevhe u dzhielwaho ntha u tshi sumbedza, nga ndila ya u tevhekana, manweledzo a thandela na khethekanyo dza thandela dzine dza do shumiwa kha itsho tshifhinga tsha minwaha mitanu, na mutengo wa inwe na inwe. Manweledzo haya a tea u katela thandela idzo dzo sumbedzwaho kha pulane dza vhuendi ha mavuni na pulane dza vhuendi ho tanganelaho kha vundu. Mutevhe hoyu u tea u lugiswa hu tshi sedzwa pulane dzi elanaho dza mveledziso yo tanganelaho yo lugiswaho hu tshi tevhedzwa mulayo munwe na munwe u elanaho wa muvhuso wapo na ndivho dza mveledziso ya mavu dzi elanaho dzo tewaho hu tshi tevhedzwa khethekanyo 27 ya Mulayo wa Vhuleludzi ha Mveledziso, 1995, kana, hune zwa konadzea, ndivho dza mveledziso ya mavu dza lushaka lwonolwo sa zwe dza vhewa hu tshi tevhedzwa mulayo wa vundu;

(d) buletshedza maga ane a do dzhiwa nga vundu u itela u vhona uri hu vhe na pfananyo yo teaho vhukati ha pulane dza vhuendi dza vhulaedzwa ha vhuendi dzine malugana nadzo vundu la vha na maanda a mulayo, hune zwa vha zwo fanela;

(e) vhea khagala maga a tshikwama o anganyelwaho a nwaha munwe na munwe wa minwaha mitanu, na u sumbedza zwiko zwine u bva kha zwo tshelede dzi todeaho dza khou lavhelelwa u wanwa khazwo;

(f) katela mugaganyagwama wo dodombedzwaho wa vundu malugana na vhuendi ha mavu u itela nwaha wa muvhalelano u kwameaho zwi kha tshivhumbeyo tsho randelwaho nga Minista;

(g) buledza sitirathedzhi tsha gwama la vundu tsha u badelela thandela lwa tshifhinga tshutuku;

(h) vhea khagala pulane kana sitirathedzhi nga u angaredza u itela u tshimbila ha zwithu zwi re khombo nga bada kha ndila dzo sumbedzwaho;

(i) vhea khagala zwisumbedzi zwa vhuitwa zwihulwane zwine zwa do shumiswa u kala vhuitwa nga vhulaedzwa ha vhupulani ha mishumo na vhudifhinduleli hu tshi tevhedzwa uyu Mulayo; nahone

(j) hune mulayo wa vundu wa toda uri mafhungo manwe na manwevho a tshifhinga tshituku a shumiwe ngomu ha muhanga wonoyo, mafhungo eneo kha shumiwe nao hu tshi tevhedzwa wonoyo mulayo.

(4) Muhanga wa vhuendi ha mavuni wa vundu wo swikiswaho kha Minista hu tshi tevhedzwa iyi khethekanyo u tea u fhelekedzwa nga dzikopi dza thendelano dzothe malugana na vhuendi vhu pfukaho vundu dzo swikelwaho vhukati ha vundu na linwe vundu.

Tshaka dza pulane dzi todiwaho nga uyu Mulayo

(16) (1) Pulane dzi tevhelaho dzi a todea u itela ndivho dza uyu Mulayo:

(a) Rekhodo dza vhuendi ha vhathu dza zwino dzo vhetshelwaho kha khethekanyo 18.

(b) Zwitirathedzhi zwa thendelo dzo vhetshelwaho kha khethekanyo 19.

(c) Pulane dza phikho nga khumbulo dzo vhetshelwaho kha khethekanyo 20.

(d) Pulane dza vhuendi ha vhathu dzo vhetshelwaho kha khethekanyo 21.

(e) Pulane dza vhuendi ho tanganelaho dzo vhetshelwaho kha khethekanyo 22.

(2) Maitele a thoma nga ndugiselo ya rekhodo ya vhuendi ha vhathu
ya zwino ine ya netshedza theo ya mveledziso ya:

(i) sitirathedzhi tsha thendelo

(ii) pulane ya phikho nga khumbulo phanḓa ha maitele a u thendara u itela khonthiraka dza tshumelo ya mutikedzelo dzine dza khou ḓo ṋetshedzwa kha pulane ya vhuendu ha vhathu;

(iii) pulane ya vhuendi ha vhathu.

(a) Pulane ya phikho nga khumbulo ndi pulane ya maano ngeno pulane ya vhuendi ha vhathu na pulane ya vhuendi yo ṱanganelaho zwi pulane dza siṱirathedzhi na kuitele.

(3) Tshumelo dza lwendo lulapfu, tshumelo dza khadzimiso ya tshiendi, tshumelo dza tshiṱifu na tshumelo dza vhuendelamashango .a dzi nga ḓo ṋetshedzwa kana u itwa fhasi ha iṅwe na iṅwe ya pulane dzo bulwaho kha khethekanyoṱhukhu(1).

(4) Phanḓa kana nga datumu yo tiwaho hu tshi tevhedzwa khethekanyo 15(1) vhulaedzwa ha vhupulani vhu tea u vha na nḓivhadzo, nga tshiisimane na nga luṅwe vho luthihi luambo lwa tshiofisi, yo anḓadzwa kha bammbiri ḽa mafhungu ḽi monaho na vhuponi ha vhulaedzwa ha nzudzanyo na u sumbedza uri pulane i kwameaho yo no khunyeledzwa nahone i a wanala u itela ṱholo fhethu ho bulwaho kha nḓivhadzo.

(5) Muraḓo wa Khorotshitumbe a nga ṋetshedza thikhedzo ya masheleni kana iṅwevho kha vhulaedzwa ha vhupulani u itela uri vhu kone u khunyeledza pfanelo dzaho fhasi ha iyi khethekanyo.

(6) Hune vhulaedzwa ha vhupulani a vhukoni kana a vhu khunyeledzi pfanelo dza ho hu tshi tevhedzwa iyi khethekanyo, Muraḓo wa Khorotshitumbe a nga dzhia vhukando a tshi tevhedza mbetshelo dza khethekanyo 139(1) dza Ndayotewa, ine ya ḓo shuma hu tshi vhalelwa ngomu tshanduko dzo teaho kha zwi re ngomu.

Vhulaedzwa ha vhupulani

(17) (1) Pulane dzo laedzwaho kha khethekanyo 16(1)(a) na (b) na, hune zwa tea, khethekanyo 16(1)(c), (d) na (e), dzi tea u lugiswa nga vhulaedzwa vhu tevhelaho, vhune ha ḓo ḓivhiwa sa vhulaedzwa ha vhupulani:

(a) Ḓorobo dzoṱhe dzo vhewaho fhasi ha khethekanyo 4 ya Mulayo wa Vhuendi ha Ḓoroboni, 1977 hu tshi tevhedzwa dzi MTA dzavho;

(b) Vhaṅwe Vhomasipala kha Vundu vhane vhupo havho vhu re mulayoni ha vha uri a vhu ngo khatelwa tshoṱhe kana tshipida kha MTA, nahone vhune Muraḓo wa Khorotshitumbe o vhu vhetshela yeneyi ndivho nga nḓivhadzo kha Gazethe ya Vundu –

(i) nga thendelano na Minisṱa; nahone

(ii) nga nṱhani ha ṱhoḓea ya nyisedzo ya vhuendi ha vhathu u ya kaṋa u bva vhuponi na kha vhuitwa ha vhuendi ha vhathu u mona na vhupo hoṱhe.

Masipala we a vhewa nga u ralo u tea u lugisa pulane dzo teaho u itea vhupo hawe ha mulayoni vhu kwameaho.

(2) (a) Vhulaedzwa ha vhupulani vhu nga dzhena kha thendelano na vhulaedzwa ha vhupulani vhuṅwe na vhuṅwevho kana muhasho uri u tikedze kha u ita mishumo yahc hu tshi tevhedzwa iyi khethekanyo.

(b) Naho zwo ralo, thendelano yeneyo a i thivheli vhulaedzwa ha vhupulani u ita vhuḓifhinduleli hoṱhe hayo ha mishumo yo hweswaho nga khethekanyo iyi.

Rekhodo dza zwino dza vhuendi ha vhathu

(18) (1) Nga u ṱavhanya hu pfadzaho hune ha konadzea murahu ha u thoma u shuma ha uyu Mulayo, fhedzi hu si u lenga u fhirisa datumu i no ḓo tiwa nga Muraḓo wa Khorotshitumbe hu na vhukwamani na Minisṱa, vhulaedzwa ha vhupulani vhuṅwe na vhuṅwe vhu tea u ligisa u itea vhupo ha ho rekhodo ya vhuendi ha vhathu ya zwino ine ya tevhedzelana na ṱhoḓea dza iyi khethekanyo.

(2) Rekhodo ya vhuendi ha vhathu ya zwino i tea u lugiswa hu tshi tevhedzwa liṅwalo ḽa ṱhoho i no pfi "A Requirements and Format for Preparation of Current Public Transport Records by Core Cities" yo anḓadzwaho kha *Gazethe* nga ḽa 22 Shundunthule 1998 fhasi ha Nḓivhadzo Nyangaredzi No. 847 ya 1998, hu tshi dzhielwa nzhele tshanduko dzo teaho kha zwi re ngomu, na u sumbedza –

(a) dzoṱhe dza tshumelo dzi tevhelaho dzine dza khou

shumiwa vhuponi ha vhulaedzwa ha vhupulani:

(i) Tshumelo dzoṱhe dzo tetshelwaho dzine dza –

(aa) ṋetshedzwa hu tshi tevhedzwa khonṱhiraka dza tshifhinganyana;

(bb) ṋetshedzwa hu tshi tevhedzwa khoṱhiraka dza thendara dza zwino;

(cc) shumiwa nga mushumi wa vhuendi ha masipala vhu re hone;

(dd) shumiwa nga mushumi wa vhuendi ha pharasitatala a re hone;

(ee) shumiwa hu tshi tevhedzwa thendelo kana thendelo hune tshumelo ya vha ya ḓuvha nga ḓuvha;

(ff) shumiswa sa tshumelo ya tshiṱafu tshine tsha vha na ṱhuṱhuwedzo kha matheriala a re kha sisitemu ya vhuendi ha vhathu;

(gg) ṋetshedzwaho tshumelo ya vhuendi ha vhathu ya lushaka luṅwe na luṅwe-vho hu tshi tevhedzwa khonṱhiraka ya vhulaedzwa ha khonṱhiraka vhuṅwe na vhuṅwe;

(hh) ṋetshedzwa nga mushumi muṅwe na muṅwe wa kana nga ndila iṅwe na iṅwe-vho, ire mulayoni kana i si mulayoni.

(ii) Tshumelo dzoṱhe dzi so ngo tetshelwaho-

(aa) dza u nameliwa ḓuvha liṅwe na liṅwe kana hu si ḓuvha liṅwe na liṅwe, dzi shumaho fhasi ha vhulaedzwa ha phemithi na pfukiselo kha tendelo hu tshi tevhedzwa khethekanyo 35;

(bb) dzi shumiswaho sa tshumelo ya thekhisi dza mithara fhasi ha vhulaedzwa ha thendelo kana thendelo;

(cc) dzi ṋetshedzwaho nga mushumisi muṅwe na muṅwe kana nga ndila iṅwe na iṅwe-vho, naho i mulayoni kana i si mulayoni.

(iii) Tshumelo dzoṱhe dzo tetshelwaho na dzi songo tetshelwaho na tshumelo dza thekhisi dza mithara dzi ṋetshedzwaho hu tshi tevhedzwa khonṱhiraka dza tshumelo dza khomeshiala; na

(b) Zwishumiswa zwoṱhe na zwiimiswa zwi re hone na u shumiswa vhuponi vhu kwameaho u itela ndivho kana malugana na tshumelo dza vhuendi ha vhathu dzo bulwaho kha phara ṱhukhu dza (i) u swika (iii) dza phara (a), khathihi na zwishumiswa na zwiimiswa zwi no khou bveledzwa u itela ndivho yeneyo kana malugana na zwenezwo ngomu ha vhupo vhu kwameaho.

(3) Rekhodo dza vhuendi ha vhathu ha zwino –

(a) dzi tea u swikiswa kha Muraḓo wa Khorotshitumbe nga vhulaedzwa ha vhupulani hu sa athu u fhira datumu yo tetshelwaho ndivho yeneyo nga Muraḓo wa Khorotshitumbe hu na thendelano ya Minisṱa nahone yo ḓivhadzwaho kha Muraḓo wa Khorotshitumbe nga nḓivhadzo kha *gazethe ya Vundu*;

(b) i tea u vusuludzwa misi nga vhulaedzwa ha nzudzanyo nga u rekhoda tshanduko kha nḓisedzo ya tshumelo dza zwa vhuendi ha vhathu malugana na fhethu havho honoho. ndungamo dze dza vha, vhukati ha dziṅwe, kha khwiniso, pfukhiso, nyimiso, u fhela, u bvisiwa kana u ṋetshedzwa ha dzithendelo kana ndugelo nga bodo ya dzindugelo;

(c) u vhumba murango u itela mveledziso ya zwiṱirathedzhi zwa dzindugelo, nzudzanyo dza ndivhanele na nzudzanyo dza vhuendi ha vhathu.

Zwiṱirathedzhi zwa thendelo

(19) (1) u itela ndivho dza u vhona zwauri themendelo dza vhulaedzwa ha vhupulani kha bodo ya thendelo, dzi do konisa bodo, kha u bvisela khagala khumbelo malugana na thendelo, u swikelela ndinganyo vhukati ha nḓisedzo ya vhuendi ha vhathu na ṱhoḓea ine zwoṱhe vhulondo na vhukone, vhulaedzwa ha ndugiselo vhufhio na vhufhio vhu tea, kha hu si na pulane dza vhuendi ha vhathu, u lugisa pulane i ḓivheaho sa tshiṱirathedzhi tsha thendelo tshine tsha vhea mbekanyamaitele na sithirathedzhi malugana na-

(a) mushumo wa moudu iṅwe na iṅwe ya vhuendi malugana na fhethu vhupo hayo:

(b) maimele ane nga khao ndugelo kana thendelo dzi tendelaho tshumiso ya vhuendi ha vhathu kha tshipiḓa tshifhio na tshifhio tsha vhupo hatsho, hu nga tendelwa;

(c) u shumiswa ha zwileludzi zwa vhuendi ha vhathu kha tshipiḓa tshatsho;

(d) u thivhelwa ha mupikisano u tambiseaho vhashumisi vha vhuendi;

(e) magumo a tshumelo dza khonṱhiraka dza vhuvhambadzi u itela tshumelo dza vhuendi vhu so ngo tikedzwaho; na

(f) maimele ane ya ḓo ṱoḓa bodo ya ndugiselo i tshi a vhea malugana na dzindugiselo.

(2) Vhulaedzwa ha nzudzanyo vhufhio na vhufhio vhu tea u vhona uri tshiṱirathedzhi tsha ndugelo yaho tsho dzudzanyea nga misi na u pfumbiswa misi·yoṱhe, fhedzi luvhili nga ṅwaha.

Pulane dza Ndinganyiso

(20) (1) Hune ha kumedzwa uri tshumelo ya vhuendi ha vhathu ine ya khou shuma hu tshi tevhedzwa khonṱhiraka ya thendâra ya zwino kana khonṱhiraka ya tshifhinga tsha u lindela, kana nga masipala kana nga tshumiso ya pharasitetala, u bvela phanḓa, nga murahu ha musi khonṱhiraka yo no fhela nga hune ya vha i tshi khou tshimbidzwa ngaho, ho sedziwa tshumelo ya khonṱhiraka yo lambedzwaho, vhulaedzwa·ha vhupulani vhune fhethu hune tshumelo ya khou shumiswa hu tea u lugisa pulane ya khumbulo, u itela u i isa kha Muraḓo wa Khorotshitumbe, phanḓa ha musi tshumelo i no ḓo shumiswa hu tshi tevhedzwa tshumelo ya khonṱhiraka yo lambedzwaho, i tshi ḓo vhewa kha thendara ya vhathu, hu u itela u –

(a) gumoṱuku ḽa u kalwa ha tshelede ya mutikedzo;
(b) thivhela muṱaṱisano badani vhukati ha tshumelo dzo tikedzwaho;
(c) vhumbiwa ha tshumelo ya khonṱhiraka dzo tikedzwaho nga nḓila ine ya ḓo kunga khumbelo ya muṱaṱisano yo linganaho nga thendara dzo teaho;
(d) vhona zwauri dzinḓila na nḓilatserekano dzi khou shumiwa nga nḓila yo teaho uri hu swikelelwe ṱhoḓea dza vhanameli nga lwo bveledzeaho na vhukone; na
(e) u leludza mveledziso ya matshelo ya sisteme ya vhuendi ha vhathu yo ṱanganelanaho.

(2) Pulane iṅwe na iṅwe ya ndinganyiso i tea u tevhelwa nga pulane ya vhuendi ha vhathu, i ṋeaho u shumiswa ha mveledzo kha pulane ya ndingnyiso.

(3) Pulane ya ndinganyiso i tea u vha na-

(a) tshanduko dzo humbulwaho kha nḍila dzi re hone na tserekano, kaṋa zwoṯhe;

(b) mahumbulwa o shandukiswaho kha vhanameli vha re na ndadzo yo vhetshelwaho kha dzinḍila kana nḍilatserekano, kana zwoṯhe;

(c) maitele o humbulwaho u itela mbumbo ya khonṯhiraka dza thendara dza muṯaṯisano;

(d) khonadzeo ya zwiitisi zwa khumbulo kha matshimbilele a vhuendi o fhambanaho;

(e) tsumbo ya khwiniso dzine dza ḍo vha hone u itela u waṅwa nga vhanameli;

(f) tsumbo ya zwikundisi zwine zwa vha hone malugana na u thomiwa ha pulane, na zwiṯirathedzhi zwo humbulwaho u kunda zwenezwo.

Pulane dza vhuendi ha vhathu

(21) (1) Vhupulani ha vhulaedzwa ho lugiselaho pulane ya ndinganyiso vhu tea u lugisela vhuendi ha vhathu ho sedzwa u ḍo ta na u sumbedza tshumelo dza vhuendi ha vhathu dzine ha ṯoḍa u vhu vhetshela –

(a) hu tshi tevhedzwa tshumelo dza khonṯhiraka dza vhuvhambadzi u itela –

(i) tshumelo dzo dzudzanyiwaho
(ii) tshumelo dzi so ngo dzudzanyiwaho;
(iii) tshumelo dza thekhisi dza mithara;

(b) hu tshi tevhedzwa tshumelo ya khonṯhiraka dza mutikedzo u itela tshumelo dza shedulu;

(c) sa kha tshumelo dzi si dza khonṯhiraka dza –

(i) tshumelo dzo dzudzanyiwaho;
(ii) tshumelo dzi so ngo dzudzanyiwaho;
(iii) tshumelo dza thekhisi dza mithara,

na u shumiswa hu si na mutikedzo nga nnḍa ha dzo vhetshelwaho hu tshi tevhelwa tshumelo ya khonṯhirakha ya vhuvhambadzi zwo bulwaho kha phara (a).

(2) Pulane ya vhuendi ha vhathu i tea u lugiswa ho sedzwa u bvisela phanḓa na u ṱanganyisa u thomiwa ha tshumelo dza vhuendi ha vhathu nahone i tea u vha na-

(a) bono ḽa vhulaedzwa ha u pulana, ndivho na tshenzhelo u itela vhuendi ha vhathu kha vhupo haho;

(b) zwiṱirathedzhi zwa vhulaedzwa ha vhupulani u itela u-

(i) ta mushumo wa matshimbidzele maṅwe na maṅwe;

(ii) u ṱukufhadza tshikalo tsha tshelede ya mutikedzo na u hudza u konadzea ha vhuvhambadzi;

(iii) thivhela u tambisea ha muṱaṱisano badani vhukati ha tshumelo dza vhuendsi ha vhathu;

(iv) vhumba tshumelo dza khonṱhiraka dza mutikedzo na tshumelo dza khontiraka dza vhuvhambadzi nga ndila ine ha kungwa u humbelwa ha miṱaṱisano nga vha dzithendara dzo teaho;

(v) vhona zwauri dzinḓila na tserekano zwo vhekanywa lune zwa fusha ṱhoḓea dza vhanameli nga lwo linganelaho; na u leludza mveledzo ya matshelo ya sisiteme ya vhuendi ha vhathu ho ṱanganelanaho; nahone

(vi) u leludza mveledziso ya tshifhinga tshi daho ya sisitemu ya ndila ya vhathu yo tanganelaho; na

(c) pulane ine ya khou shumiswa i katelaho-

(i) khonṱhiraka dzoṱhe dzo sumbedzwaho kha khethekanyoṱhukhu (1)(a) na (b);

(ii) thendelo dza zwiṱirathedzhi u itela tshumelo dzo sumbedzwaho kha khethekanyo ṱhukhu (1)(c).

Pulane dza Vhuendi ho ṱanganelanaho

(22) (1) Muraḓo wa Khorotshitumbe a nga humbela vhulaedzwa ha pulane kha u lugisela ṅwaha nga ṅwaha, hu si nga murahu ha maḓuvha a 60 phanḓa ha u thomiwa ha ṅwaha wa muvhalelano wo teaho, u itela vhupo havho ho sedzwaho, pulane dza vhuendi ho ṱanganelanaho u itela tshifhinga tsha miṅwaha miṱanu tshi thomaho nga ḓuvha ḽa u thoma ḽa ṅwaha wonoyo wa muvhalelano wa –

(a) u ya nga tsumbamushumo na nga maitele na ndila sa zwo randelwaho nga u angaredza nga Muradho wa Khorotshitumbe; na

(b) zwi tshi tutshelana na khethekanyothukhu (2), na nga tshifhinga tshenetsho u netshedza pulane yo dzudzanywaho kha Minista.

(2) Pulane ya vhuendi ho tanganelanaho i tea u-

(a) tshimbilelana na pholisi dza vundu na lushaka na pulane dza vhulaedzwa ha bono la tshiofisi, pholisi na ndivho, nga uralo zwo livhana na mveledziso yo tanganelanaho ifhio na ifhio kana ndivho dza pulane ya mveledziso ya mavu;

(b) sumbedzisa tshanduko kha pulane dza vhulaedzwa ha zwitirathedzhi na pholisi dza vhuendi ha mavu u bva miṅwaha mitanu ya vhupulani yo fhelaho;

(c) katela mutevhe wo rangelaho u sumbedzaho, nga ndila ya u rangela, thandela kana zwipida zwa thandela zwine zwa do itiwa kha tshifhinga tsha miṅwaha yeneyo mitanu, na mutengo wa iṅwe na iṅwe. Mutevhe uyu u tea u lugiswa ho sedzwa pulane dzo lugiswaho dza mveledziso dzi tanganelanaho dzo teaho hu tshi tevhedzwa mulayo wa muvhuso wapo na ndivho dza mveledziso ya mavu dzo teaho dzo vhewaho hu tshi tevhedzwa khethekanyo 27 ya Mulayo wa Mveledziso ya Zwileludzi, wa 1995, kana, hune zwa konadzea, ndivho dza mveledziso ya mavudza tshivhumbeo tshenetsho sa zwo vhewaho hu tshi tevhedzwa mulayo wa vundu;

(d) vhea tshikwama tshi anganyelaho thodea u itela miṅwaha mitanu, na u sumbedza zwiko zwine khazwo zwikwama zwo fanelaho zwa lavhelelwa u waṅwa;

(e) katela vhulaedzwa ha pulane vhu dodombedzaho mbekanyagwama malugana na vhuendi ha mavu u itela ṅwaha wa muvhalelano wo teaho nga ndila yo randelwaho nga Muradho wa Khorotshitumbe;

(f) buledza zwitirathedzhi zwa pulane ya vhulaedzwa ya muvhalelano u itela u lambedza thandela kha tshifhinga tshipfufhi;

(g) katela vhulaedzwa ha vhupulani ha pulane ya vhuendi ya vhathu;

(h) vhea tshiṱirathedzhi nyangaredzi u itela thodea dza nyendedzo nga ndangulo; na

(i) vhea tshiṱirathedzhi nyangaredzi kana pulane u itela u endedzwa ha zwiluḓi zwa khombo nga bada tsini na ndila dzo tiwaho.

Mbekanyamaitele na milayo ya vundu nga u angaredza u itela vhuendi ha mavuni ngomu kha mveledziso

23. (1) Muraḓo wa Khorotshitumbe, nga ndivhadzo kha gazethe ya vundu, a nga-

(a) randela milayo u itela vhuendi ha mavu kha vundu i sa tshimbilelaniho na milayo nyangaredzi yo bulwaho kha khethekanyo 15 kana pholisi yo ḓivhadzwaho kana yo randelwaho hafhu nga Minisṱa, ine ya tikedzana na mveledziso; na

(b) u anḓadza kha gazethe ya vundu, u itela mafhungo nga u angaredzaho, mbekanyamaitele ya vundu i ṱutshelanaho na vhuendi ha mavuni kha u bveledza liga kana tshipiḓa tshifhio na tshifhio henefho tshi ṱutshelanaho na milayo ya vhuendi ha lushaka ya mavu yo randelwaho nga Minisṱa nahone henefho mbekanyamaitele ya vundu i tea u shumiswa na tendelaniwa nayo kha vundu.

Khuḓano vhukati ha vhupulani ha vhuendi na ndivho dza mveledziso ya mavu kana vhupulani

24 (1) Vhulaedzwa ha vhupulani vhuṅwe na vhuṅwe vhu tea u vhona uri pulane ya vhuendi ifhio na ifhio yo lugiswaho hu tshi tevhedzwa uyu Mulayo a vhu fhambani na ndivho dza ndugiselo dza mavu dzo lugiswaho fhasi ha khethekanyo 30 ya Mulayo wa Mveledziso ya Zwileludzi, 1995 kana, hune zwa konadzea, mulayo wa vundu, u ṱanganelanaho na vhupulane ha mveledziso ho itwaho hu tshi tevhedzwa mulayo wapo wo teaho ufhio na ufhio.

(2) He pulane ya vhuendi ya vha yo lugiswa hu tshi tevhedzwa uyu Mulayo zwi sa ṱutshelane na ndivho dza mveledziso ya mavu dzi re hone, kana vhupulani ha mveledziso ha masipala ho ṱanganelaho, na mafhungo a sa koni u ṱandululea vhukati ha

vhulaedzwa ha vhupulane na masipala, vhulaedzwa ha vhupulane vhu tea u pfukhisela mafhungo kha Muraḓo wa Khorotshitumbe, ane a tea u tshea mafhungo hu na vhukwamani na Muraḓo wa Khorotshitumbe a re na vhuḓifhinduleli ha mafhungo a mavu.

(3) A hu na vhupulani ha vhuendi vhune ha ḓo dzhiwa nga nnḓa ha musi ho vha na vhukwamani na zwigwada zwi re na dzangalelo zwo teaho nga maitele o randelwaho.

Maanḓa a Muraḓo wa Khorotshitumbe kha u ita dzindaulo malugana na vhupulani ha vhuendi

25. (1) Muraḓo wa Khorotshitumbe, nga ṋḓivhadzo kha gazethe ya vundu, a nga ita ndaulo-

(a) dzi randelaho ṱhoḓea malugana na kuitele u itela, na ndugiselo, nzudzanyo, ndovholoso, tshimbila na tshifhinga, ṋetshedza na vhungomu, ha pulane dza vhuendi zwi ṱoḓiwaho nga uyu Mulayo;

(b) randela tsumbamushumo u itela mbetshelo dza tshumelo dza vhuendi ha vhathu na zwileludzi u pulana vhulaedzwa na u itela tshumiso ya ndangulo dzaho henefho;

(c) malugana na pfananyo ya vhuendi ha mavu fhethu ho-ṱhe vhu re fhasi ha mulayo wa vundu;

(d) malugana na mafhungo kana zwi kwamaho vundu u dzhielwa nṱha kha u lugisa zwiṱirathedzhi zwa thendelo, pulane dza vhuendi ha vhathu kana pulane dza vhuendi ho ṱanganelanaho; na

(e) u randela mafhungo afhio na afhio ane, hu tshi tevhedzwa iyi Ndima, a nga kana a tea u randelwa nga Muraḓo wa Khorotshitumbe.

NDIMA 5

U VHEWA HA MURIDZHISṰARI WA THEKHISI DZA VUNDU NA U REDZHISṰARIWA HA MADZANGANO A THEKHISI, MIRAḐO NA VHA SI MIRAḐO

Muridzhisṱari wa Thekhisi dza Vundu

26 (1) Muraḓo wa Khorotshitumbe u tea u vhea muthu o teaho nahone o fanelaho sa Muridzhisṱari wa Thekhisi dza Vundu ane a ḓo ita mishumo yo hweswaho kana u avhelwa ene nga kana fhasi ha uyu Mulayo.

(2) Muridzhisṱari u ḓo fara ofisi lwa tshifhinga tshenetsho, tshi sa fhiriho miṅwaha miṱanu, sa zwine Muraḓo wa Khorotshitumbe a nga ta tshifhingani tsha u vhewa hawe, nahone u ḓo vha na ndugelo ya u vhewa hafhu mafheloni a tshifhinga tshawe tsha ofisi.

(3) (a) A huna muthu ane a ḓo vhewa sa Muridzhisṱari arali onoyo muthu naho hu nga ene muṋe kana nga mufumakadzi kana munna wawe, shaka ḽa tsini, mushumisani kha mabindu kana muanḓanwa, a na kana o vha na dzangalelo ḽo livhaho kana ḽi songo livhaho ḽa masheleni kha bindu ḽiṅwe na ḽiṅwe kana feme ya bindu i yelanaho na vhuendi ha vhathu zwine zwa nga, kha muhumbulo wa Muraḓo wa Khorotshitumbe, lwa kana u dzhenelela na kushumele kwa vhudi kwa mishumo yawe sa Muridzhisṱari.

(b) U itela ndivho dza heyi khethekanyoṱhukhu "munna kana mufumakadzi" kana "shaka ḽa tsini" zwi ḓo amba zwo vhetshelwaho khavho kha khethekanyo 3(5)(b).

(4) Musi Muridzhisṱari a siho lwa tshifhinganyana kana a sa khou kona u ita mishumo yawe, Muraḓo wa Khorotshitumbe a nga vhea Muridzhisṱari mufareliu uri a shume lwa tshifhinga nyana vhuimoni ha Muridzhisṱari.

(5) Muraḓo wa Khorotshitumbe a nga, nga murahu ha u ṋea Muridzhisṱari tshifhinga tsha u ṋetshedza vhupfiwa hawe, tshifhinga tshiṅwe na tshiṅwe a fhelisa tshifhinga tsha ofisi tsha muridzhisṱari arali o vhonwa a so ngo tsha tea hu tshi tevhe-dzwa khethekanyo ṱhukhu (3) kana nga nṱhani ha vhuḓifari vhu si ha vhuḓi, u sa kona kana u sa vha na vhukoni.

(6) Musi ofisi ya Muridzhisṱari i si na muthu, Muraḓo wa Khorotshitumbe u tea u dzhia vhukando ha u vhea muṅwe nga u ṱavhanya.

vhulaedzwa ha vhupulane na masipala, vhulaedzwa ha vhupulane vhu tea u pfukhisela mafhungo kha Muraḓo wa Khorotshitumbe, ane a tea u tshea mafhungo hu na vhukwamani na Muraḓo wa Khorotshitumbe a re na vhuḓifhinduleli ha mafhungo a mavu.

(3) A hu na vhupulani ha vhuendi vhune ha ḓo dzhiwa nga nnḓa ha musi ho vha na vhukwamani na zwigwada zwi re na dzangalelo zwo teaho nga maitele o randelwaho.

Maanḓa a Muraḓo wa Khorotshitumbe kha u ita dzindaulo malugana na vhupulani ha vhuendi

25. (1) Muraḓo wa Khorotshitumbe, nga nḓivhadzo kha gazethe ya vundu, a nga ita ndaulo-

(a) dzi randelaho ṱhoḓea malugana na kuitele u itela, na ndugiselo, nzudzanyo, ndovholoso, ṱshimbila na tshifhinga, ṋetshedza na vhungomu, ha pulane dza vhuendi zwi ṱoḓiwaho nga uyu Mulayo;

(b) randela tsumbamushumo u itela mbetshelo dza tshumelo dza vhuendi ha vhathu na zwileludzi u pulaṋa vhulaedzwa na u itela tshumiso ya ndangulo dzaho henefho;

(c) malugana na pfananyo ya vhuendi ha mavu fhethu ho-ṱhe vhu re fhasi ha mulayo wa vundu;

(d) malugana na mafhungo kana zwi kwamaho vundu u dzhielwa nṱha kha u lugisa zwiṱirathedzhi zwa thendelo, pulane dza vhuendi ha vhathu kana pulane dza vhuendi ho ṱanganelanaho; na

(e) u randela mafhungo afhio na afhio ane, hu tshi tevhedzwa iyi Ndima, a nga kana a tea u randelwa nga Muraḓo wa Khorotshitumbe.

NDIMA 5

U VHEWA HA MURIDZHISṰARI WA THEKHISI DZA VUNDU NA U REDZHISṰARIWA HA MADZANGANO A THEKHISI, MIRAḐO NA VHA SI MIRAḐO

Muridzhisṱari wa Thekhisi dza Vundu

26 (1) Muraḓo wa Khorotshitumbe u tea u vhea muthu o teaho nahone o fanelaho sa Muridzhisṱari wa Thekhisi dza Vundu ane a ḓo ita mishumo yo hweswaho kana u avhelwa ene nga kana fhasi ha uyu Mulayo.

(2) Muridzhisṱari u ḓo fara ofisi lwa tshifhinga tshenetsho, tshi sa fhiriho miṅwaha miṱanu, sa zwine Muraḓo wa Khorotshitumbe a nga ta tshifhingani tsha u vhewa hawe, nahone u ḓo vha na ndugelo ya u vhewa hafhu mafheloni a tshifhinga tshawe tsha ofisi.

(3) (a) A huna muthu ane a ḓo vhewa sa Muridzhisṱari arali onoyo muthu naho hu nga ene muṋe kana nga mufumakadzi kana munna wawe, shaka ḽa tsini, mushumisani kha mabindu kana muandanwa, a na kana o vha na dzangalelo ḽo livhaho kana ḽi songo livhaho ḽa masheleni kha bindu ḽiṅwe na ḽiṅwe kana feme ya bindu i yelanaho na vhuendi ha vhathu zwine zwa nga, kha muhumbulo wa Muraḓo wa Khorotshitumbe, lwa kana u dzhenelela na kushumele kwa vhudi kwa mishumo yawe sa Muridzhisṱari.

(b) U itela ndivho dza heyi khethekanyoṱhukhu "munna kana mufumakadzi" kana "shaka ḽa tsini" zwi ḓo amba zwo vhetshelwaho khavho kha khethekanyo 3(5)(b).

(4) Musi Muridzhisṱari a siho lwa tshifhinganyana kana a sa khou kona u ita mishumo yawe, Muraḓo wa Khorotshitumbe a nga vhea Muridzhisṱari mufareliu uri a shume lwa tshifhinga nyana vhuimoni ha Muridzhisṱari.

(5) Muraḓo wa Khorotshitumbe a nga, nga murahu ha u ṋea Muridzhisṱari tshifhinga tsha u ṋetshedza vhupfiwa hawe, tshifhinga tshiṅwe na tshiṅwe a fhelisa tshifhinga tsha ofisi tsha muridzhisṱari arali o vhonwa a so ngo tsha tea hu tshi tevhe-dzwa khethekanyo ṱhukhu (3) kana nga nṱhani ha vhuḓifari vhu si ha vhuḓi, u sa kona kana u sa vha na vhukoni.

(6) Musi ofisi ya Muridzhisṱari i si na muthu, Muraḓo wa Khorotshitumbe u tea u dzhia vhukando ha u vhea muṅwe nga u ṱavhanya.

(7) Muridzhisṱari a nga ri u itela u bveledza mishumo yawe i re fhasi ha uyu Mulayo -

(a) a tendela muthu a kwameaho kana a re na dzangalelo kha mafhungo, kana muimeleli a re na maanḓa o fanelaho wa muthu onoyo, uri a ḓivhonadze phanḓa hawe u itela uri -

(i) a ṋeye vhuṱanzi kana maswikiswa nga mulomo a yelanaho na mafhungo; kana

(ii) a vhidza ṱhanzi na u bvisela khagala vhuṱanzi nga ha mbudziso i yelanaho na fhungo; kana

(iii) u vhudzisa muthu o ṋeaho vhuṱanzi sa ṱhanzi kha mafhungo;

(b) nga nḓivhadzo yo tou ṅwalaho a ṱoḓa muthu a tshi ḓivhonadza khaye u itela u ṋea vhuṱanzi kana u ḓisa ḽiṅwalo ḽine a vha naḽo kana ḽi re fhasi ha ndango yawe;

(c) a vhudzisa muthu ane a khou ḓivhonadza phanḓa hawe sa ṱhanzi;

(d) a hana u thetshelesa muthu ane a khou ḓivhonadza phanḓa hawe sa ṱhanzi we a hana u anisiwa kana u khwaṱhisedzwa;

(e) a laula muano kana khwaṱhisedzo kha muthu ane a khou ḓivhonadza phanḓa hawe.

Mishumo ya Muridzhisṱari

27. Muridzhisṱari u ḓo-

(a) ṱanganedza, sedzulusa na u ṋea tsheo kha khumbelo dza u ridzhisṱara nga madzangano na miraḓo yao, madzangano a mavundu a dzhenelanaho na miraḓo yao, na vha si-miraḓo fhasi ha heyi Ndima na u vha ridzhisṱara na zwiṅwe zwishumiswa zwa vhuendi ha vhathu nga nḓila yo randelwaho;

(b) eletshedza Muraḓo wa Khorotshitumbe nga ha mafhungo a welaho fhasi ha mbonalo ya heyi Ndima na u vhudza Muraḓo wa Khorotshitumbe mafhungo nga ha vhupfiwa ha ndeme kha vhathu tshifhingani tsha u ita mishumo yawe fhasi ha heyi Ndima:

(c) dzhia vhukando vhu pfadzaho ha u monitha na u wana mafhungo malugana na u tevhedzela kana u sa tevhedzelwa ha mbetshelo dza Ndayotewa yo Linganelaho na Maga a Vhuḓifari a Vha Si-Miraḓo nga madzangano o ridzhisṱaraho na vha si-miraḓo vho ridzhisṱaraho;

(d) tikedza kha u bveledzwa ha mashumele a phurofesheni nga madzangano o ridzhisṱaraho, miraḓo yao na nga vha si-miraḓo;

(e) dzhia maga oṱhe a pfadzaho a u ṱuṱuwedza madzangano uri a ridzhisṱare hu tshi tevhedzwa iyi Ndima na u ṋea nyeletshedzo na thikhedzo ya kona u ita khumbelo ya u ridzhisṱara zwavhuḓi;

(f) Muredzhisṱari u tea u swikisa muvhigo kha Muraḓo wa Khorotshitumbe, nga u ṱavhanya nga hune zwa konea, murahu ha mafheloni a ṅwaha muṅwe na muṅwe wa muvhalelano, nga ha –

(i) kushumele kwa ofisi ya Muredzhisṱari;

(ii) kushumele kwa Phanele ya vhalavhelesi, na mushumo wayo kha u thusa Muredzhisṱari kha nyito ya mishumo ya iyo ofisi hu tshi tevhedzwa iyi Ndima;

(iii) mafhungo a elanaho na u redzhisṱariwa ha madzangano, miraḓo henefho na vha si miraḓo; na

(iv) maṅwe mafhungo a ndeme malugana na kana a bvaho kha tshumiso ya iyi Ndima.

Muraḓo wa Khorotshitumbe u tea u vhea ṱafulani Muvhigo wa Muredzhisṱari kha Vhusimamilayo ha Vundu vhukatini ha maḓuvha a 21 a u ṱanganedza, arali Vhusimamilayo zwenezwo vhu tshi khou dzula, kana arali vhu sa khou dzula zwenezwo, vhukatini ha maḓuvha a 21 a mathomo a dzulo ḽaho ḽi tevhelaho.

(g) nga murahu ha vhukwamani na phanele (arali i hone), a themendele kha Muraḓo wa Khorotshitumbe –

(i) mbalo ṱhukhu ya miraḓo vhane dzangano la fanela u vha na vho u itela uri li tendelwa u ridzhisṱara;

(ii) tshifhinga tshiṱuku tshine kha tsho dzangano ḽa teya u vha ḽihone u itela u tendelwa u ridzhisṱara;

(iii) nḓila ya tsedzuluso kha mavharivhari a vhuḓifari vhu si ha vhuḓi kana u kundelwa u tevhedzelana na ndayotewa yayo kana Maga a Vhuḓifari a Vha si Miraḓo, ine ngayo dzangano

(a) a tshi randela ndila ine ngayo dzangano kana muthu a si-muradho a tea u humbela u itela u ridzhistara;

(b) dza u randela tshelede ine ya tea u badelwa kha Muridzhistari malugana na khumbelo ya u ridzhistara na mbadelo ya nwaha ine ya nga badelwa kha Muridzhistari nga dzangano kana muthu a si muradho;

(c) dzi randelaho tshivhumbeo na zwi re ngomu kha zwisithifikheithi zwa u ridzhistara;

(d) dza u randela ndila ya tsedzuluso kha u pomokwa ha vhudifari vhu si ha vhudi kana u kundelwa hune ha khou pomokwa ha dzangano kana muthu a si muradho uri vha tevhedzelane na mbetshelo dza ndayotewa yayo kana Maga a Vhudifari a Vhathu Vha Si Miradho, nga ndivhano;

(e) dzi randelaho nomboro thukhu ya miradho ine dzangano la tea u vha navho u itela u lugela u ridzhistara;

(f) dza u randela tshifhinga tshituku tshine nga tsho dzangano la tea u vha li hone u itela u lugela u ridzhistara;

(g) kha u sedzulusa na thodea malugana na khumbelo nga madzangano dza zwikwama zwao,

Tenda ha vha uri ndaulo dzo fhambanaho dza nga itelwa masia o fhambanaho kha Vundu.

(4) Vhathu na madzangano o ridzhistaraho fhedzi fhasi ha uyu Mulayo vha do –

(a) tewa nga vhugudisi vhune vhu nga badelwa hothe kana tshipida nga Muhasho;

(b) tewa nga thikhedzo ine ya nga netshedzwa u itela u thoma vhuandani ha vhafara phemithi;

(c) tewa nga thikhedzo ya ekonomi ine ya nga avhelwa miradho ya vhuandani;

(d) tewa u vha miradho ya vhuandani;

(e) lugela u ita thendara ya tshumelo dza konthiraka dza mutikedzelo kana vhuvhambadzi;

(f) tewa nga dziṅwe ndila dza thikhedzo dzine dza nga n̰etshedzwa kha vhafari vha thendelo na madzangano; na

(g) u tewa nga u ita khumbelo ya thendelo.

U redzhis̰tara ha madzangano, mirad̰o na vha si-mirad̰o

29. (1) Dzangano kana dzangano l̰a mavundu a dzhenelanaho, na murad̰o muṅwe na muṅwe wal̰o kana muthu a si-murad̰o, l̰i tea uri nga nd̰ila yo randelwaho na hone i tshi khou tevhelwa na mbadela dzo randelwaho dza khumbelo, l̰a swikisa khumbelo ya u ridzhis̰tara yo tou ṅwalaho kha Muridzhis̰tari: Tenda ha vha uri tshumiso iyo ine ya vha nayo mathomoni a uyu Mulayo –

(a) yo no n̰ewaho, i d̰o dzhiwa sa yo n̰etshedzwaho hu tshi tevhedzwa uyu Mulayo; nahone

(b) i songo fhedzwa, i d̰o dzhiwa sa khumbelo ya u ridzhis̰tara hu tshi tevhedzwa uyu Mulayo.

(2) Muridzhis̰tari u tea u n̰ea sitifikheithi tsha u ridzhis̰tara ho vhewa maga ane a tea u tevhedzwa na nomboro ya u ridzhis̰tara kha dzangano ,na muṅwe wa murad̰o yal̰o ane nga kha khumbelo l̰a mu fusha –

(a) zwa uri l̰o vha l̰i hone lwa tshifhinga tsho randelwaho: Tenda ha vha uri Muridzhis̰tari u d̰o vha na ndivho ya u ridzhis̰tara madzangano e a vha e hone lwa tshifhinga tshi t̰uku lu ne kha muhumbulo wawe zwa pfesesea;

(b) zwa uri nomboro ya murad̰o yal̰o i a swika nomboro t̰hukhu yo randelwaho; Tenda ha vha uri Muridzhis̰tari u d̰o vha na ndivho ya u redzhis̰tariwa ha madzangano a re na murad̰o mit̰uku hune kha muhumbulo wawe zwa pfesesea nga zwiitisi zwa vhupo na vhudzulo;

Tenda ha vha uri u ridzhis̰tara hu na maga o vhewaho ane a tea u tevhedzwa ho n̰ewaho dzangano hu d̰o fhela arali murad̰o yot̰he ya dzangano l̰enel̰o vha so ngo wana phemithi ya ndeme ngomo ha miṅwe ya rathi u bva nga datumu ya u fhiwa ha u ridzhis̰tara hu na maga o teaho u tevhedzwa.

(3) Muridzhiṱari u tea u ṋea sithifikheithi tsha u ridzhiṱara na nomboro ya u ridzhiṱara kha dzangano kana dzangano ḽa mavundu a dzhenelanaho ḽe nga kha khumbelo ḽa fusha Muridzhiṱari zwa uri –

(a) ḽo vha ḽi hone lwa tshifhinga tshiṱuku tsho randelwaho, hu tshi tevhedzwa mbetshelo dzi re kha khethekanyo ṱhukhu (2)(a);

(b) nomboro ya miraḓo i swikela nomboro ṱhukhu yo randelwaho, hu tshi tevhedzwa mbetshelo dzi re kha khethekanyo ṱhukhu (2)(b);

(c) ndayotewa yo swikiswaho nga dzangano yo sainiwa na u tendelwa nga muṅwe na muṅwe wa miraḓo yaḽo nahone i tshimbilelana na nahone i katela mbetshelo dza Ndayotewa yo Linganelaho na dziṅwe ṱhoḓea dzo randelwaho;

(d) mbadelo dza u dzhoina, mbadelo dza ṅwaha dza vhuraḓo na dziṅwe mbadelo dzi badelwaho kha dzangano nga miraḓo yaḽo a dzi fhiri badelo ya ntha yo randelwaho;

(e) muraḓo muṅwe na muṅwe ane khumbelo ya khou itelwa ene a fara thendelo ya tshiendedzi tshine a tshi reila na zwa uri tshumiso i nga ngomu ha maanḓa a re mulayoni a thendelo yeneyo; nahone

(f) yo ṋetshedza mafhungo oṱhe a ṱoḓeaho nga Muridzhiṱari kana sa zwo randelwaho, nahone mafhungo o sedzuluswa nga ndila yo randelwaho.

(4) Muridzhiṱari u tea u ṋea sithifikheithi kha muraḓo wa dzangano ḽo ridzhiṱaraho kana dzangano ḽa mavundu a dzhenelanaho ḽi re kha vundu ḽine nga khumbelo nga ḽeneḽo dzangano ḽa fusha Muridzhiṱari zwa uri –

(a) dzangano kana dzangano ḽa mavundu a dzhenelanaho ḽine muraḓo a wela khaḽo ḽo ridzhiṱara;

(b) muraḓo o fara thendelo ya tshiendedzi tshiṅwe na tshiṅwe tshine a tshi shumisa na zwa uri tshumiso i mulayoni u re ngomu ha thendelo dzenedzo;

(c) muraḓo o saina na u tenda u ḓi vhofha nga ndayotewa yo ṋetshedzwaho nga dzangano ḽo ridzhiṱaraho ḽine ene a vha muraḓo waḽo; nahone

(d) muraḓo o ṋetshedza mafhungo oṱhe a ṱoḓeaho nga Muridzhisṱari kana sa zwe zwa randelwa, nahone mafhungo o sedzuluswa nga ndila yo randelwaho.

(5) Muredzhisṱari u tea u ṋetshedza sithifikheithi tsha u ridzhisṱara kha muthu a si muraḓo a wanalaho ngomu ha Vundu ane nga kha khumbelo a fusha Muridzhisṱari zwa uri –

(a) muthu a si muraḓo o fusha maga a vhuḓifari a shumaho kha Vundu;

(b) muthu a si muraḓo –

(i) o fara thendelo kana thendelo yo teaho ya goloi iṅwe na iṅwe ine ngayo a i shumsa kha tshumelo ya vhuendi ha vhathu; nahone

(iii) a tshi shuma tshumelo ya vhuendi ha vhathu ine thendelo yeneyo ya amba hone, hu tshi tevhedzwa maga, na maimele a re khayo, maanḓa o ṋewaho nga thendelo;

(c) khumbelo ya u redzhisṱara yo no itwa –

(i) kha Muridzhisṱari wa Vundu, nahone

(iii) nga ndila yo ṋetshedzwa kha heyi Ndima, i tshi tevhelwa nga tshelede ya khumbelo yo randelwaho nga Muraḓo wa Khorotshitumbe

(d) muthu a si muraḓo, arali e muthu wa mulayo, -

(i) o vha e hone lwa tshifhinga tshi si ho fhasi ha tshifhinga tshi tiwaho nga Muraḓo wa Khorotshitumbe nga ndivhadzo kha gazethe ya vundu; na

(ii) miraḓo vhane, kha sia ḽa khamphani kana pfanavhanzhi yo valeaho yo ṱanganelana kana yo redzhisṱara hu tshi tevhedzwa Mulayo wa Dzikhamphani, 1973 (Mulayo No. 61 wa 1973) kana Mulayo wa Pfanavhanzhi wo Valeaho, 1984 (Mulayo No. 69 wa 1984), yoṱhe khathihi. i sa kateli vhathu vhavhili kana vhanzhi vhane, nga tshifhinga tsha u vhumbiwa ha khamphani kana pfanavhanzhi yo valeaho, vha vha vhe vha tshimbidzi vha tshumelo ya vhuendi ha vhathu i shumiwaho nga khamphani kana pfanavhanzhi yo valeaho yeneyo; kana

(e) redzhisṱiresheni ya muhumbeli sa muthu a si muraḓo i livhanyiswa kha zwiitisi zwi tevhelaho:

(i) a huna dzangano ḽo redzhistaraho ḽine ḽa vha hone malugana na ndila kana dzindila dzine khadzo tshumelo ya vhuendi ha vhathu ya muhumbeli ya khou itwa; kana

(ii) hune ha vha uri hu na dzangano ḽenelo ḽo redzhisṱaraho, arali -

(aa) muhumbeli o hanelwa u vha muraḓo wa dzangano; kana

(bb) muhumbeli a sa swikeleli ṱhoḓea dza dzangano u itela u ṱanganedzwa sa muraḓo; kana

(cc) ṱhoḓea dza dzangano dza vhuraḓo dzi sa pfadzi; kana

(dd) hu tshi sedziwa maimele a re hone, muhumbeli lu pfadzaho a nga si kone u lavhelelwa u vha muraḓo wa dzangano; kana

(ee) muhumbeli, arali a nga ṱanganedzwa kha vhuraḓo ha dzangano, u ḓo dzheniswa kha u ṱalulwa lu sa pfadziho.

(6) Arali nga murahu ha u sedzuluswa ha khumbelo ya u ridzhisṱara, Muri-dzhistari a sa fushei zwa uri khumbelo yo tevhedzela ṱhoḓea dza u ridzhisṱara, u tea u vhudza muhumbeli nga ha ṱhoḓea dzi so ngo swikelwaho, nahone a nga ṋetshedza muhumbeli tsivhudzo na thikhedzo u itela u konisa muhumbeli uri a swikele ṱhoḓa dza u ridzhisṱara.

(7) Kha u ridzhisṱara dzangano ḽa mavundu a dzhenelanaho kana vha si-muraḓo vhane vha ita shumela dza thekhisi dza mavundu a dzhenelelanaho, Muridzhisṱari u tea u swikisa kopi ya sithifikheithi tsha u ridzhisṱara kha Muridzhisṱari kha Vundu ḽiṅwe na ḽiṅwe ḽine muraḓo ya dzangano kana vhathu vha si iraḓo vha shuma uya kana u bva khaḽo.

(8) Dzangano kana muthu a si muraḓo o ridzhisṱaraho kha ḽiṅwe Vundu u tea u saina mulevho kha fomo yo randelwaho ya uri onoyo muthu a si-muraḓo kana dzangano ḽi ḓo tevhedza Maga a Vhuḓifari kana Maga a Vhuḓifari ha Vha si Miraḓo nga ndivhano nahone, arali hu dzangano, Matshimbidzele a Ndaṱiso na Zwililo a ḓo shumiswa.

(9) Muridzhisṱari a nga ridzhisṱarulula dzangano, muraḓo kana muthu a si-muraḓo nga khumbelo, kana hune –

(a) dzangano, muraḓo kana muthu a si-muraḓo o bva nnḓa ha ridzhisṱara fhasi ha khethekanyo 33;

(b) dzangano ḽo fhedza u vha hone kana ḽo pfulusela tshumelo yaḽo kha ḽiṅwe Vundu;

(c) muraḓo kana muthu a si muraḓo a si tsha vha mufari wa phemithi ire na ndeme i katelaho kushumele kwawe.

(10) Muridzhisṱari u tea u ḓivhadza Bodo nga ha u ridzhisṱarululwa ha dzangano kana ha muthu a si muraḓo, zwine nga zwenezwo Bodo i tea u humisela murahu –

(a) thendelo dza miraḓo yoṱhe ya dzangano ḽenelo, nga nnḓa ha musi u ridzhisṱarululwa hu tshi khou itiswa nga u ri dzangano ḽi khou pfulusa vhupo ha tshumelo yalo u ya nnḓa ha Vundu;

(b) thendelo ya muthu a si-muraḓo a kwameaho.

(11) A huna dzangano ḽa thekhisi ḽine ḽa ḓo imelelwa kha khoro ya thekhisi yapo kana foramu ya thekhisi yo laedzwaho kha uyu Mulayo, kana u ṋetshedza themendelo malugana na khumbelo dza phemithi fhasi ha uyu Mulayo, nahone a huna dzangano kana muthu a si muraḓo ane a ḓo tewa nga u wana mbuyelo dzo ṋetshedzwaho hu tshi tevhedzwa uyu Mulayo nga muhasho wa muvhuso kana tshiimiswa kha vhuimo vhufhio na vhufhio ha muvhuso, nga nnḓa ha musi dzangano ḽenelo kana muthu a si muraḓo o ridzhisṱariwa hu tshi tevhedzwa uyu Mulayo.

Zwiga zwa u ṱalula

30. (1) Muridzhistari a nga bvisa tshiga kana zwiga zwa u talula u itela tshiendedzi tshiṅwe na tshiṅwe tshi shumiswaho lu re mulayoni nga muraḓo o ridzhistaraho kana muthu a si muraḓo.

(2) Ṱanziela ya u ridzhisṱara na tshiga tsha u talula zwi ḓo vha kha tshivhumbeo tsho randelwaho, kana arali zwi siho zwi ḓo vha kha tshivhumbeo tsho tiwaho nga Muridzhisṱari.

Phanele ya Vhalingi

31. (1) Muraḓo wa Khorotshitumbe a nga vhea vhathu vhaṋa sa Phanele ya Vhalingi ine ya ḓo ḓivhiwa sa Phanele ya Vhalingi ya Muridzhisṱari ya u ḓo eletshedza Muridzhisṱari nga ha mafhungo o livhiswaho kha Phanele nga ye.

(2) Miraḓo ya Phanele vha ḓo vha –

(a) muraḓo muthihi u ḓo imela Industiri ya thekhisi dza zwibisana dza nyendo ndapfu dza Vundu nahone muṅwe muraḓo u ḓo

imela indasṱiri ya thekhisi dza zwibisana dza nyendo pfufhi kha Vundu;

(b) muraḓo muthihi u ḓo vhewa u bva kha komiti iṅwe na iṅwe kha Vundu u itela u imelela vhanamedzwa; nahone

(c) muraḓo muthihi u tea u vha na ndivho ya kana tshenzhemo ya mulayo.

(3) Muridzhisṱari a nga, nga murahu ha vhukwamani na Muraḓo wa Khorotshitumbe, nanga u shuma kha Phanele malugana na mafhungo maṅwe-vho maṅwe na maṅwe, miraḓo nyengedzedzwa i ṱa fhiriho miṱanu ine ya nga katela –

(a) vhathu vha imelaho masipala;

(b) vhathu vha imelaho madzangalelo a vhashumi,

nahone muthu muṅwe na muṅwe o nangwa nga u ralo nga khumbelo kha mudzulatshidulo a nga dzhenelela kha u itwa ha voutu kha miṱangano ya Phanele.

(4) (a) Nga nnḓa ha miraḓo yo bulwaho kha khethekanyo ṱhukhu (2)(a), a huna muthu na muthihi ane a nga vheiwa kana a dzuḽa e muraḓo wa Phanele arali ene, naho hu nga ene muṋe kana nga munna kana mufumakadzi wawe, muraḓo wa muṱa wa tsini, mushumisani kha mabindu kana muanḓanwa, o kana e na dzangalelo ḽa masheleni ḽo livhaho kana ḽi so ngo livhaho kha bindu kana mubindudzo u elanaho na vhuendi ha vhathu kana ndi mufara ofisi o khethwaho kha dzangano, kana u khou ita mushumo une u nga, kha muhumbulo wa Muraḓo wa Khorotshitumbe, lwa kana u dzhenelela kha u ita nga nḓila yo fanelaho mishumo yawe sa muraḓo wa Phanele.

(b) U itela ndivho ya heyi khethekanyo ṱhukhu "munna kana mufumakadzi" na "muraḓo wa muṱa wa tsini" zwi ḓo amba zwo livhiswaho khadzo nga khethekanyo 3(5)(b).

(5) Miraḓo na miraḓo yo tiwaho ya Phanele vha ḓo ri hu tshi tevhedzwa tshumelo dzavho vha wana malamba na magavhelo eneo nahone vha ḓo vhewa nga kha theme na maimele eneo nahone lwa zwifhinga zwenezwo sa zwine Muraḓo wa Khorotshitumbe a nga ta.

(6) Muraḓo wa Khorotshitumbe a nga, nga murahu ha musi o ṋea muraḓo wa Phanele tshifhinga tsha u sumbedza vhuimo hawe. ri tshifhinga tshiṅwe na tshiṅwe a fhelisa tshifhinga tsha ofisi tsha

muraḓo onoyo arali o swika he a vhonala a so ngo tsha tea hu tshi tevhedzwa khethekanyo ṱhukhu (4) kana nga zwiitisi zwa vhuḓifari vhu si ha vhuḓi, u sa kona kana u sa vha na vhukoni.

(7) Muredzhisṱari u ḓo vha mudzulatshidulo wa Phanele.

(8) Miraḓo miraru ya Phanele na Muridzhisṱari vha ḓo vhumba khoramu ya miṱangano ya Phanele.

(9) Nga nnḓa ha musi zwo vhetshelwa nga heyi khethekanyo, Phanele i ta matshimbidzele ane a ḓo shumiswa kha miṱangano yayo.

(10) Muridzhisṱari u tea u kwamana na Phanele (arali i hone) a sa athu u ridzhisṱara, u ridzhisṱarulula kana u imisa lwa tshifhinganyana dzanganо.

U dzudzanywa ha mafhungo

32. (1) Madzangano o ridzhisṱariwaho, miraḓo na vhathu vha si miraḓo vha tea u ḓivhadza Muridzhisṱari nga ha tshanduko iṅwe na iṅwe ya mafhungo o ṋetshedzwaho fhasi ha heyi Ndima hu sa athu u fhela maḓuvha a 14 a tshanduko i tshi thoma u shuma.

(2) Madzangano o ridzhisṱaraho a tea u ḓivhadza Muridzhisṱari nga ha mvelele dza tshililo tshiṅwe na tshiṅwe na matshimbidzele a ndaṱiso ngomu ha maḓuvha a 7 a tsheo yeneyo musi yo dzhiwa, kana a mvelele dza khaṱhululo yo itwaho uri i ḓivheye.

U kundelwa nga dzangano kana muthu a si muraḓo u tevhedzelana na ndayotewa yaḽo kana Maga a Vhuḓifari a Vhathu Vha si Miraḓo, nga ndivhano, na maanḓa a ndaṱiso a Muridzhisṱari

33. (1) Musi Muridzhisṱari lu pfadzaho a tshi humbulela uri –

(a) dzangano ḽo ridzhisṱaraho ḽo kundelwa u tevhedzelana, na ndayo dzo vhewaho kha ndayotewa yaḽo kana dzo randelwaho nga Muraḓo wa Khorotsitumbe; kana

(b) muthu a si muraḓo o kundelwa u tevhedzelana na Maga a Vhuḓifari a Vha si Miraḓo,

u tea u sedzulusa eneo mafhungo nga nḓila yo randelwaho.

(2) (a) Arali, sa mvelele ya tsedzuluso –

(i) dzangano ḽo ridzhisṱaraho ḽa wanala ḽo kundelwa u tevhedzelana na ndayo dzo vhewaho kha ndayotewa yaḽo kana yo randelaho nga Muraḓo wa Khorotshitumbe; kana

(ii) muthu a si muraḓo o kundelwa u tevhedzelana na Maga a Vhuḓifari a Vha si Miraḓo,

nahone Muridzhisṱari a na muhumbulo wa uri u kundelwa hu nga khakhululwa, Muridzhisṱari u tea u rumela nḓivhadzo yo tou ṅwalwaho kha dzangano ḽo ridzhisṱaraho kana muthu a si-muraḓo a tshi khou sumbedzela uri ndayotewa kana ndayo dzo randelwaho, kana Maga a Vhuḓifari a Vha si Miraḓo, sa zwine zwa vhi sa zwone, a tevhedzelwe na u ṋea maga ane a tea u tevhedzelwa ngomu ha tshifhinga tsho bulwaho, na u sedzulusa arali dzangano kana muthu a si-muraḓo a tshi ṱoḓa thikhedzo u itela u tevhedzelana na zwenezwo.

(b) Arali nḓivhadzo yo bulwaho kha phara (a) i sa khou tevhedzelwa, Muridzhisṱari u tea u -

(i) fha faini i sa fhiriho ṱhanganyelo yo bulwaho kha khethekanyo ṱhukhu (8); kana

(ii) bvisa ndaela ya yo tou ṅwalwaho ya u imisa lwa tshifhinga nyana ṱhanziela ya u ridzhisṱara; kana

(iii) bvisa ndaela yo tou ṅwalwaho i tshi khou humisela murahu ṱhanziela ya u ridzhisṱara,

Tenda ha vha uri, arali u kundelwa ha vha hu tshi khou itiswa nga vhugevhenga kana matshimbidzele apo kha khothe ya mulayo, Muridzhisṱari u tea u pfukisa tsedzuluso kana dziṅwe nyito u swikela matshimbidzele o no fhedzwa.

(3) Hune kha sia ḽo laedzwaho kha khethekanyo ṱhukhu (2) Muridzhisṱari a na muhumbulo wa uri o kundelwa hu sa kone u khakhululwa, u tea u dzhia vhuṅwe ha vhukando ho dodombedzwaho kha khethekanyo ṱhukhu (2)(b), nahone a nga ita uri dzangano kana muthu a si muraḓo a si tsha tewa kha u ita khumbelo ya u ridzhisṱara hafhu.

(4) Hune Muredzhisṱari a ḓivhadzwa nga dzangano ḽo redzhisṱaraho zwa uri ḽo imisa lwa tshifhinganyana kana u pandela muraḓo, Muredzhisṱari u tea u imisa lwa tshifhinga nyana kana u humisa u redzhisṱara ha muraḓo, sa zwine zwa nga vhi sa zwone: Tenda ha vha uri Muredzhisṱari u tea u fushea zwa uri matshimbidzele a ndaṱiso a re kha ndayotewa ya dzangano o tevhedzelwa zwa vhuḓi nahone lu pfadzaho na

zwa uri muraḓo ha ho kha nḓila ya u humbela khaṱhululo kha u imiswa lwa tshifhinganyana kana u pandelwa.

(5) Muredzhisṱari u tea uri nga u ṱavhanya nga murahu ha u bviswa ha ndaela ya uri dzina ḽa dzangano ḽiṅwe na ḽiṅwe kana ḽa muthu a si-muraḓo ḽi phumulwe kha redzhisṱara, a swikise khophi yo khwaṱhisedzwaho ya zwenezwo kha Muraḓo wa Khorotshitumbe, Bodo, masipala a kwameaho na mihasho ya muvhuso kana zwiimiswa zwi ṋeaho mbuelo kana thikhedzo kha dzangano ḽo redzhisṱarululwaho kana miraḓo yaḽo kana muthu a si-muraḓo o redzhisṱarululwaho nga u vha havho vho vhaho vho redzhisṱariwa.

(6) Dzangano na miraḓo yaḽo, kana muthu a si muraḓo, vho phumulwaho kha redzhisṱara vha tea u ḥumisela murahu ṱhanziela ḓzavho dza u ridzhisṱara kha Muredzhisṱari na zwiga zwoṱhe zwa u ṱalula zwe vha ṋewa hu sa athu u fhela maḓuvha a sumbe u bva tshe vha wana ndaela ya u redzhisṱarululwa yo sainiwaho nga Muredzhisṱari.

(7) Muthu ane a ri nga khole a ṋea mafhungo a si one kana a xedzaho kha Muredzhisṱari, kana a kundelwa u tevhedzelana na ndivhanelo dzo vhewaho fhasi ha heyi Ndima, u ḓo vha na mulandu wa vhukhakhi nahone u ḓo vha na khwalo ya ndaṱiso arali o waṅwa mulandu i sa fhiriho idzo dzo vhewaho kha khethekanyo 56.

(8) Muredzhisṱari, nga murahu ha vhukwamani na Phanele, a nga fha faini i sa fhiriho R100 000 kha dzangano kana muthu a si muraḓo ane/ḽine ḽa mu ṋetshedza mafhungo a si one kana a xedzaho, kana ane a kundelwa u tevhedzelana na ndivhanelo dzo vhewaho fhasi ha heyi Ndima, ine faini ya hone ya ḓo badelwa kha Tshikwama tsha Vhuendi ha Ḓoroboni ha Vundu.

(9) Hune ndayotewa ya dzangano a yi yelani na kana i lwa na mbetshelc dza Ndayotewa yo Linganelaho, mbetshelo dza Ndayotewa yo Linganelaho dzi ḓo shuma madzuloni a idzo ndayotewa dza dzangano.

(10) Muthu muṅwe na muṅwe ane a khou vhaiswa nga tsheo ya Muredzhisṱari a nga ita khumbelo kha Muraḓo wa Khorotshitumbe nga nḓila yo randelwaho nahone o badela mbadelo dzo randelwaho, ane a nga –

(a) isa phanḓa khaṱhululo yoṱhe kana tshipiḓa, nahone, hune zwa tea, a khwinisa tsheo ya Muredzhisṱari;

(b) hana khaṱhululo; kana

(c) a humisela murahu mafhungo kha Muredzhisṱari u itela tsedzuluso hafhu.

Tenda ha vha uri mbadelo dzi tea u humiselwa murahu hune khaṱhululo yoṱhe kana tshipiḓa yo konadzea kana mafhungo o humiselwa murahu kha Muridzhisṱari.

(11) He muthu a ḓivhadziwa nga Muredzhisṱari uri a dzhenele u pfiwa ha mafhungo a kundelwa u ita nga u ralo, u pfiwa hu nga bvela phanḓa e siho nahone tsheo dzo swikelelwaho kha u pfiwa honoho dzi ḓo ḓivhofha onoyo muthu naho o vha e siho, arali Muredzhisṱari a tshi khou fushea zwa uri uyo muthu o wana nḓivhadzo ya u dzhenela u pfiwa ha mafhungo nahone hu si na zwiitisi zwi pfadzaho zwa u kundelwa u vha hone.

NDIMA 6

NDAULO NA NDANGO YA TSHUMELO DZA THEKHISI YA LUSHAKA LWA TSHIBISANA

Khumbelo malugana na thendelo

34. (1) Hu tshi tevhedzwa khethekanyo 35, a hu na muthu ane a ita tshumelo dza thekhisi ya lushaka lwa tshibisana nga nnḓa ha musi e mufari wa thendelo yo bviswaho fhasi kana i ṱanganedzwaho nga uyu Mulayo nahone o ridzhisṱara kha Muredzhisṱari.

(2) Khumbelo ya u ṋewa, u vusuludza kana khwiniso ya thendelo i tea u itwa kha Bodo nga nḓila yo randelwaho nahone ho badelwa mbadelo dzo randelwaho.

(3) Muthu ane a tama u ita pfukiso ya thendelo u tea u humbela kha Bodo u itela pfukiso yeneyo nga nḓila yo randelwaho nahone hu na thendelo yo tou ṅwalaho kha mufari wa thendelo yeneyo: Tenda ha vha uri ndi thendelo dze dza vha dzi tshi khou shuma lwa tshifhinga tshi no swika hanefha kha miṅwedzi ya rathi phanḓa ha musi hu sa athu u itwa khumbelo, dzi nga pfukiswa.

(4) Khumbelo dzoṱhe dzo bulwaho kha khethekanyo ṱhukhu (1), (2) na (3) dzi tea u vha na ṱhalutshedzo nga u dodombedza ya –

(a) nḓila kana nḓila dza tserekano dzine kha dzo muhumbeli a ṱoḓa u shuma.

(b) fhethu hoṱhe hune vhanamedzwa vha ḓo namedzwa na u tsitswa; na

(c) renke kana zwitannde zwine zwa ḓo shumiswa.

(5) (a) Khumbelo iṅwe na iṅwe i tea u sumbedza kha fomo ya khumbelo araḽi muthu onoyo o no.waṅwa mulandu wa vhugevhega ha lushaka lwo randelwa nga ndaulo, nahone arali zwo ralo, a ṅwale mutevhe wa milandu ye a waṅwa, na u sumbedzisa arali ene kana munna kana mufumakadzi wawe, muraḓo wa muṱa wa tsini, mushumisani kha mabindu kana mutholi, e muofisiro a re mulayoni kana ndi muofisiri kha tshumelo ya muvhuso wa lushaka kana wa vundu kana uyo wa masipala.

(b) U itela ndivho ya iyi khethekanyo ṱhukhu "munna kana musadzi" na "muraḓo wa muṱa wa tsini" zwi ḓo amba zwe zwa ṱaṋḓavhudziswa zwone kha khethekanyo 3(5)(b).

(6) Siani ḽa khumbelo ya thendelo ya u tendela tshumelo ya thekhisi ya mavundu a dzhenelelanaho, Bodo i tea vho u livhisa khumbelo kha bodo kana tshiṅwe tshivhili tshi re na vhuḓifhinduleli ha u bvisa thendelo ya tshumelo dza thekhisi ya lushaka lwa tshibisana kha vundu ḽiṅwe na ḽiṅwe ḽi kwameaho u itela themendelo yayo.

(7) Arali hu si na phindulo yo wanalaho u bva kha bodo kana tshiṅwe tshivhili tsha ḽiṅwe vundu ngomu ha maḓuvha a 21 sa zwo laedzwaho kha khethekanyoṱhukhu (7), Bodo i tea u swikisa mafhungo kha Khoro ya Khaṱhululo ya Vhuendi sa khumbelo ya khathululo: Tenda ha vha uri muhumbeli ha nga ḓo bvisa mbadelo na nthihi malugana na khaṱhululo yeneyo.

(8) Arali khumbelo yo itwa kha ḽiṅwe vundu u itela thendelo ya thendelo ya tshumelo dza thekhisi ya mavundu a dzhenelelanaho hune vhanamedzwa vha ḓo namedzwa na u tsitswa kha Vundu, nahone khumbelo yeneyo yo no livhiswa kha Bodo u itela themendelo yayo, Bodo i tea u ṋea themendelo malugana na khumbelo kha tshivhili tshi kwameaho u itela u bviswa ha phemithi kha Vundu ḽiṅwe.

U bvela phanḓa na u shandulwa ha phemithi dzi re hone

35. (1) Hu tshi tevhedzwa khethekanyo ṱhukhu (5), phemithi iṅwe na iṅwe yo viswaho lwa tshifhinga tshi so ngo bulwaho na phemithi iṅwe na iṅwe yo viswaho lwa tshifhinga tsho bulwaho tshine, u thomani ha uyu

Mulayo a i athu u fhirelwa nga tshifhanga, i ḓo dzula i tshi khou shuma lwa tshifhinganyana sa zwo ṋetshedzwaho kha heyi khethekanyo.

(2) Mufari wa phemithi yeneyo a nga ita uri i shandukiselwe kha u vha thendelo hu tshi ṱevhedzelaniwa na iyi ndima nga u ita khumbelo ya u shandulwa, nga ndila yo randelwaho nga Muraḓo wa Khorotshitumbe:

(a) kha sia ḽa phemithi u itela tshifhinga tshi so ngo bulwaho, murahu ha u fhela ha tshifhinga tsho tiwaho nga Muraḓo wa Khorotshitumbe nga ndivhadzo kha Gazethe ya Vundu;

(b) kha sia ḽa phemithi u itela tshifhinga tsho bulwaho, murahu ha u fhela ha tshifhinga tsho bulwaho kana tshifhinga tsho laedzwaho kha phara (a), tshiṅwe na tshiṅwe tshi bvelelaho u thoma.

(3) Phemithi yo bulwaho kha khethekanyo ṱhukhu (1) i ḓo fhela –

(a) he khumbelo ya u shandulwa hayo ya sa itwe sa zwo ṋetshedzwaho kha khethekanyo ṱhukhu (2)

(i) kha sia ḽa phemithi u itela tshifhinga tshi so ngo bulwaho, kha u fhela ha tshifhinga tsho bulwaho kha phara (a) ya khethekanyo ṱhukhu yeneyo;

(ii) kha sia ḽa phemithi u itela tshifhinga tsho bulwaho, kha u fhela ha tshifhinga tsho bulwaho kana tshifhinga tsho bulwaho kha phara yeneyo, tshiṅwe na tshiṅwe tshi no bvelela u thoma; kana

(b) hune khumbelo yeneyo yo no itwa, nga kha u shandukiswa ha phemithi u ya kha thendelo yo teaho hu tshi tevhedzwa iyi ndima;

(4) Muraḓo wa Khorotshitumbe, nga ndivhadzo kha *Gazethe ya Vundu,* u tea u ta datumu ine ngayo phemithi dzoṱhe dza tea u vha dzo no shandulwa u itea ndivho dza heyi khethekanyo.

(5) Hu tshi tevhedzwa heyi ndima, maanḓa o fhiwaho nga phemithi a nga kha ḓi sa tsha itwa nga huswa, khwiniswa kana u pfukiswa, nga nnḓa ha musi yo thoma ya shandulelwa kha thendelo hu tshi tevhedzwa khethekanyo 37.

U shandulwa ha phemithi hu sa ṱoḓei kha maṅwe maimele

36 (1) Phemithi i nga si shandukiselwe kha thendelo nga nnḓa ha musi tshumelo ya vhuendi vhune ya vha na maanḓa khaho yo vha i tshi khou ṋetshedzwa hu si na u thithisea lwa tshifhinga tsha hanefha kha

maḓuvha a 180 murahu ha datumu ye ngayo khumbelo ya u shandukiswa ya itwa.

(2) Musi hu tshi sedzuluswa khumbelo ya u shandulwa ha phemithi u ya kha thendelo, bodo ya dzithendelo i nga ṱoḓa muhumbeli a tshi ṋea vhuṱanzi vhune ha nga i fusha zwa uri muhumbeli o swikela ṱhoḓea dzo tetshelwaho kha khethekanyo ṱhukhu (1).

Nḓila ya u shandulela phemithi kha thendelo

37. (1) Hu tshi tevhedzwa heyi khethekanyo nahone hu tshi yelaniwa na khethekanyo 47 kha maṅwe masia, thendelo yo bviswaho vhuimoni ha phemithi hu tshi tevhedzelwa tshandukiso yo laedzwaho kha khethekanyo 35, i tea u hwala maanḓa a fanaho na eneaḽa e a vha o hweswa kha phemithi.

(2) Kha sia ḽa u shandulwa ha phemithi u itela tshumelo yo pulanelwaho lwa tshifhinga –

(a) i ṅeaho maanḓa a u shumiwa ha tshumelo yeneyo ngomu ha vhupo ho ṱanḓavhudzwaho, thendelo ine phemithi ya khou shandulelwa khayo i tea u ṋea maanḓa a u shumiwa ha tshumelo yeneyo malugana na nḓila nthihi kana nnzhi dzo bulwaho nga u dodombedza, nahone i tea u tetshela tshifhinga tsha ku tshimbilele u itela nḓila yeneyo kana iṅwe na iṅwe yayo (sa zwine zwa nga vhisa zwone);

(b) hune tshumelo yeneyo i khou ṋetshedzwa hu tshi tevhedzwa khonṱhiraka ya tshifhinganyana kana khonṱhiraka ya thendara ya zwino, thendelo ine phemithi ya khou shandulelwa khayo i tea u itwa lwo livhaho kha khonṱhiraka yeneyo.

(3) Kha sia ḽa u shandulwa ha phemithi lwa tshumelo i songo pulanelwaho lwa tshifhinga –

(a) (i si tshumelo ya thekhisi ya mithara) i ṋeaho maanḓa a u shumiwa ha tshumelo yeneyo ngomu ha vhupo ho ṱanḓavhudzwaho, thendelo ine phemithi ya khou shandulelwa khayo i tea u ṋea maanḓa a u shumiwa ha tshumelo malugana na nḓila nthihi kana nnzhi. Nḓila kana dzinḓila dzi tea u buletshedzwa nga u dodombedza, nga nnḓa ha kha maimele maṅwe na maṅwe a tevhelaho, ane a vha –

(i) arali tshumelo -

(aa) i tshi khou ṋetshedzwa kha kana u bva vhudzuloni vhu ha mulayo hu si na bada dzo ṱanḓavhudzwaho;

(bb) ndi tshumelo i dzhenelelaho vhukati ha vhupu vhuṅwe na ṱhodzi khulwane kana tshiimiswa tsha u tshintshelana;

(cc) a i ṋetshedzwi tshifhingani tsha musi vhuendi ho anda kana i ṋetshedzwa tshifhingani tsha mafheloni a vhege vhukati ha vhupo vhuṅwe na vhuswikelo vhuhulwane ha vhanameli vha vhathu sa sibadela kana sentharani ya mavhengeleni; kana

(iv) maimele maṅwe na maṅwevho ane bodo ya dzithendelo nga zwiitisi zwi pfadzaho ya vhona zwo tea u tikedza u sa buletshedzwa ha zwidodombedzwa zwa nḓila kana dzinḓila;

(b) zwi ṋeaho maanḓa a u shuma ngomu ha vhuphara honoho, thendelo ine khayo phemithi yeneyo ya khou shandulelwa –

(h) i tea u ṋea maanḓa a u shumiwa ha tshumelo yeneyo malugana na nḓila nthihi kana nnzhi dzine dza tea u buletshedzwa nga u dodombedza, hu tshi tevhedzwa phara ṱhukhu (ii);

(ii) i nga, hune maimele o bulwaho kha phara ṱhukhu (i) kana (ii) dza phara (a) a vha hone, ṋea maanḓa a u shuma tshumelo ya vhuendi kha vhupo honoho ho ṱaluswaho nga u dodombedza.

(4) Kha sia ḽa u shandulwa ha phemithi u itela tshumelo ya thekhisi ya mithara, thendelo ine phemithi ya khou shandulelwa khayo i tea u ṱalusa vhupo honoho vhune ngomu haho vhanamedzwa vha nga hwaliwa kha u shumiwa ha tshumelo yeneyo.

(5) Kha sia ḽa u shandulwa ha phemithi u itela tshumelo ya lwendo lulapfu, thendelo ine phemithi ya khou shandulelwa khayo i tea u sumbedza nḓila kana dzinḓila, dzirennge kana dziṱhodzi u itela u hwalwa na u tsitsiwa ha vhanamedzwa na fhethu huṅwe na huṅwevho tsini na nḓila kana dzinḓila hune vhathu vha nga hwalwa kana u tsitsiwa.

(6) Nga nnḓa ha hune ha vha zwi so ngo tea lu vhonalaho, thendelo ine phemithi yo shandulelwa khayo hu tshi tevhedzwa heyi khethekanyo i tea u dzhiwa na u farwa u itela ndivho dzoṱhe sa zwe thendelo ya ṋetshedzwa na u bviswa hu tshi tevhedzwa iyi Ndima.

(7) Phemithi u itela vhuendi ha vhathu kha vhuphara kana vhupo i tea u shandukiselwa kha thendelo u itela vhuendi ha vhathu kha nḓila kana dzinḓila dzenedzo dzo bulwaho kana, hune zwa konadzea, vhupo honoho ho bulwaho.

(8) Nga nnḓa ha hune phemithi ine ya khou ṱoḓa u shandulwa ya vha i tshi vho ṋea maanḓa a tshumelo ya vhuendi ha vhathu kha nḓila iṅwe kana dziṅwe, bodo ya thendelo i tea u humbela vhulaedzwa ha vhupulani vhuṅwe na vhuṅwe vhune vhuponi haho tshumelo i khou shumiwa uri vhu ite maswikiswa na themendelo dzine ya vhona dzo tea malugana na nḓila kana dzinḓila, kana, hune zwa konadzea, vhupo vhu ḓo buliwa kha thendelo ine phemithi ya ḓo shandulelwa khayo.

(9) Phemithi dza tshumelo dzo shumiwaho dzi so ngo pulanelwaho lwa tshifhinga nga zwiendedzi zwi re na vhungomu ha u dzula ha vhathu vha re fhasi ha ṱahe, hu tshi katelwa na mureili, i nga shandukiselwa kha thendelo dza tshumelo ya thekhisi dza tshibisana dzi shumiwaho nga zwiendedzi zwi re na vhungomu ha vhudzulo ha vhathu vha ṱahe u swika 16, hu tshi katelwa na mureili, kha zwiitisi zwa thendelo nthihi u itela u ṋetshedzwa ha phemithi mbili: Tenda ha vha uri thendelo i tea u vha ya tshifhinga tsho tetshelwaho tshi sa fhiriho miṅwaha miṱanu; kana

(10) Phemithi yo shandukiselwaho kha thendelo hu tshi tevhedzwa iyi khethekanyo i nga si bviselwe muthu sa mutiwa wa muṅwe muthu.

(11) Naho zwo ralo, a hu na ndiliso ine ya ḓo lifhelwa kha mufari wa thendelo hune, sa bvelele dza u shandulwa hu tshi tevhedzwa iyi khethekanyo, maanḓa o hweswaho nga thendelo ine phemithi yo shandulelwa khayo ndi maṱuku kha ala e a vha o hweswa kha phemithi nahone zwo swikisa kha u fhungudzea ha maanḓa a mishumo ya vhuendi a mushumi.

Mbofhololo

38. U itela ndivho dza uyu Mulayo, u endedzwa ha vhathu vho laedzwaho kha ṱhanḓavhudzo ya "tshumelo ya vhuendi ha vhathu" zwi ḓo dzhiwa zwi sa kateli zwi tevhelaho, zwine zwa vha -

(a) nyendedzo nga rabulasi muthihi ane a vha mudzulapo kha Riphabuliki (hu tshi katelwa vhufarekani kana khamphani, i no khou ita mishumo ya vhulimi) nga tshiendedzi tshine nga mulayo tsho tendelwa u hwala vhanamedzwa nahone tshine ene a vha muṋe watsho e eṱhe, tsha vha-shumi vha bulasini vha onoyo rabulasi –

(i) u bva fhethu he vha tholwa hone u ya fhethu he vha tenda u ḓo endedzwa nahone hu ne vha ṱoḓea u itela mishumo ya bulasini;

(ii) u bva fhethu he vha tholwa kana he vha vha vho tholwa hone mushumoni wawe wa bulasini u ya huṅwe fhethu hune vha nga

ṱoḓea u itela mishumo ya bulasi kana hune muṅwe rabulasi a nga vha ṱoḓa kha mishumo ya bulasini yawe, kana uya fhethu he vha ṱodwa hone;

(iii) vhukati ha fhethu he vha vha vhe hone kana hune vha khou ḓo tholwa hone na fhethu ho teaho tshoṱhe u endedzwa havho u ya huṅwe fhethu hune vha khou tea u endedzwa vha tshi ya kha ho nga vhuendedzi ha vhathu kana u ya fhethu hune vha ḓo tholwa nga u ralo;

(iv) vhukati ha fhethu he vha tholwa nga u ralo na huṅwe fhethu hu re ngomu ha Riphabuliki u ya u renga kana u dzhenela tshumelo ya kereke kana mbulungo kana u itela ndivho ya mitambo kana miṱangano ya vhuḓibvubvusi; kana

(v) vhukati ha fhethu he vha ṱodwa hone na fhethu ho teaho tshoṱhe uri vha endedzwe u ya fhethu hune vha khou ḓo endedzwa nga vhuendi ha vhathu,

nahone u itela ndivho ya heyi phara vhashumi vho tholwaho nga vhuanḓani ha vhathu, vho ridzhisṱaraho fhasi ha mulayo u yelanaho na vhathu vho anḓanaho, ane rabulasi a vha muraḓo waho, kana zwivhotshwa sa zwo ṱanḓavhudzwaho kha khethekanyo 1 ya Mulayo wa Tshumelo dza Vhululamisi, 1959 (Mulayo No. 8 wa 1959),vho kana vho no kana vha kho ḓo tholwa nga rabulasi kha tshumelo ya bulasi yawe, vha ḓo dzhiwa sa vhashumi vha bulasi vha onoyo rabulasi;

(b) nyendedzo nga masipala nga nḓila ya tshiendedzi tsho tendelwaho nga mulayo u endedza vhanamedzwa, nahone tshine a vha muṋe watsho, tsha vhashumi vhawe u bva fhethu hune vha shuma hone tshifhingani tsha mishumo yawo u ya huṅwe fhethu hune vha khou ṱoḓea u shuma hone;

(c) nyendedzo, nga ambulentse sa zwo ṱanḓavhudzwaho kha Mulayo wa Vhuendi ha Badani, 1989, ha mulwadze, na muthu ane a khou ṱhogomela mulwadze, u ya fhethu hune a khou ya u wana dzilafho ḽa mishonga u bva kha muthu o ṅewaho maanḓa a u ṅea dzilafho ḽeneḽo hu tshi tevhedzwa mulayo malugana na phurofesheni ya mishonga, kana u bva fhethu he uyo muthu a wana dzilafho ḽeneḽo:

(d) nyendedzo, nga tshiendedzi, ya muthu we a vha a tshi khou endedzwa nga tshiendi tshe tsha vho ḓo sa shuma, u ya hune vha khou ya hone, tenda, arali nyendedzo ya vhenevho vhathu nga tshiendedzi tshenetsho tshiṅwe nga tshifhinga tsha musi tshi tshi tshinyala tsho vha tshi tshiendedzi tshi vhumbaho tshumelo ya vhuendi ha vhathu, nyendedzo yeneyo yo vha yo tendelwa nga thendelo, nahone nyendedzo yeneyo

nga tshiendedzi tsho bulwaho u thoma yo itwa hu tshi tevhedzwa ṱhoḓea dza thendelo yeneyo nahone thendelo yeneyo i hone kha tshiendedzi tsho bulwaho u thomani u itela u i bvisa musi i ṱodwa nga muofisiri muṅwe na muṅwe o tendelwaho;

(e) nyendedzo ya vhathu sa zwo laedzwaho kha ṱhanḓavhudzo ya "kilaba ya ḽifithi" kha khethekanyo 1 ya Mulayo wa Tshikwama tsha Khombo dza Babani 1996, (Mulayo No. 56 wa 1996);

(f) nyendedzo nga muthu ane a hwala vhashumeli vhawe vha indasṱiri, mbambadzo kana mabindu u bva fhethu hune vha shuma hone u itela iyo indasṱiri, mbambadzo kana mabindu, u ya hunwe fhethu hune vha khou ya u ita mushumo nga u ralo, nga tshiendedzi tshine ene a vha muṅe watsho;

(g) nyendedzo, malugana na u itwa ha ndivhanelo dzawe, nga, mushumeli wa muvhuso wa lushaka kana wa vundu kana tshivhili tshi tikedzwaho nga muvhuso kana khamphani ine muvhuso wa lushaka kana wa vundu wa vha muraḓo u woṱhe nahone u mufaramukovhe kana masipala, nga tshiendedzi tshine mutholi a vha muṅe watsho nahone tshine tsha khou shumiswa ngaye kha u ita ndivhanele dzawe, ya muthu ane nyendedzo malugana na ye mutholi o tewa nga u wana mpho u bva kha muvhuso wa lushaka kana wa vundu kana tshivhili tshenetsho tshi tikedzwaho nga muvhuso kana khamphani kana masipala;

(h) nyendedzo ya vhana vha tshikolo na vhadededzi u itela ndivho ya mitambo kana vhuḓimvunvusi kana vha kha holodeni, u yo vhona vhupo, nyendo dza pfunzo, nga tshiendedzi tshine tshikolo tshenetsho tsha vha tshi muṅe watsho tshi tshoṱhe kana tshine, hu tshi tevhedzwa nyanḓano, tsho vhetshelwa thungo u itela u shumiswa nga tshenetsho tshikolo u itela ndivho dzenedzo;

(i) nyendedzo maḓuvhani a tshikolo ya vhana vha tshikolo na vhadededzi u ya na u bva tshikoloni tshine vha dzhena tshone, nga tshiendedzi tshine tshikolo tsha vha muṅe watsho tshi tshoṱhe kana tshine, hu tshi tevhedzwa nyanḓano, tsho vhetshelwa thungo u itela u shumuswa nga tshenetsho tshikolo u itela ndivho yeneyi: Tenda ha vha uri Muraḓo wa Khorotshitumbe a nga phumula u vhofhololwa uho nga nḓivhadzo kha *Gazethe ya Vundu*;

(j) nyendedzo ya matshudeni na tshiṱafu tsha univesithi, thekhinikhoni, khoḽedzhi ya thekhenikhala kana khoḽedzhi ya vhugudisi ha vhadededzi (zwo buliwaho sa zwiimiswa zwa pfunzo) u itela ndivho dza pfunzo, mvelele kana mitambo nga tshiendedzi tshine tshiimiswa tsha pfunzo tsha vha muṅe watsho kana nga tshiendedzi tshine hu tshi tevhedzwa nyanḓano tsho vhetshelwa thungo u itela u shumiswa nga tshiimiswa tsha pfunzo u itela ndivho idzi: Tenda kha sia ḽa nyendedzo

yeneyo nga tshiendedzi tsho shumiswaho hu tshi tevhedzwa heyi nyandano, liṅwali li tea u vha kha tshiendedzi tshenetsho tshine khatsho muofisiri o tendelwaho wa tshiimiswa tsha pfunzo a khwathi-sedza uri vhanameli ndi matshudeni vho ridzhistaraho vha, kana tshita-fu tsho kwamanaho na, tshiimiswa tsha pfunzo tshenetsho;

(k) nyendedzo u itela mpho nga muthu o vhidzwaho lwa mulayo uri a di vhonadze fhethu sa thanzi kha mulandu wa vhugevhenga, wa muṅwe muthu we a vhidza lwa mulayo uri a divhonadze sa thanzi kha mulandu kana kha mulandu muṅwe na muṅwe wa vhugevhenga, naho hu fhethu huthihi nahone nga duvha lithihi kana huṅwe fhethu kana nga duvha liṅwe,u bva kha u ya fhethu hune muthu ane a khou endedzwa o vhidzwa lwa mulayo uri a divhonadze, nga tshiendedzi tshine muthu o bulwaho u thomani ndi mune watsho;

(l) nyendedzo u itela ndivhuwo, nga muthu we a divhadzwa mulandu wa uri a divhonadze fhethu nga duvha u itela u nea vhutanzi phanda ha khomishini malugana na mbetshelo dza Mulayo wa Khomishini, 1947 (Mulayo No 8 wa 1947) kana Mulayo wa Vundu wa Khomishini, 1954 (Mulayo wa Vundu No 5 wa 1954), wo vhewa uri u shume, kana phanda ha tshivhili tsho thomiwaho fhasi ha mulayo hu tshi tevhedzwa uri tshivhili tshenetsho tsho ṅewa maanda a u nea milevho vhathu uri vha divhonadze phanda hatsho u itela u ṅea vhutanzi, kha kana u bva fhethu henefho hune muthu uyo a vha levhiwa u divhonadza, kana muṅwe muthu o ṅewaho mulevho wa u divhonadza phanda ha khomishini yeneyo kana tshivhili u ṅea vhutanzi nga duvha lenelo na fhethu henefho huthihi, nga ndila ya tshiendedzi tshine nga khatsho muthu o bulwaho u thoma, a vha mune watsho;

(m) u endedzwa ha muthu ane nga lwo fanelaho a tea u endedzwa malugana na nyendedzo ya vhathu, hune hu tshi tevhedzwa phara ya murahu hu si vhumbe vhuendi ha vhathu; kana

(n) u endedzwa ha vhathu nga tshumelo ya vhulenda.

Pheliso ya khumbelo malugana na thendelo

(39) (1) Hu tshi tevhedzwa mbetshelo dza uyu Mulayo, Bodo i tea u tanganedza na u sedza u itela u tendelwa ha u vusuludza, khwiniso kana pfukhiso ya thendelo yo itwaho nga khayo, nahone i nga ri nga murahu henefho, nga muhumbulo wayo ya ṅetshedza khumbelo nga vhudalo kana nga tshipida malugana na nyimele dzine ya nga vhona dzo tea, kana ya hana khumbelo.

(2) (a) Phanda ha u sedzuluswa ha khumbelo ifhio na ifhio fhasi ha

khethekanyo ṱhukhu (1), Bodo i tea u fhirisela khumbelo yeneyo kha masipala o teaho u itela themendelo.

(b) Masipala ane khumbelo ya vha yo livhiswa khae, u tea u kwamana na foramu dza vhuendi dzo teaho dzapo, kana, arali foramu dza vhuendi dzo teaho dzapo dzi siho, madzangano o teaho na dzikomiti dza ndaulo dza ndila dzo ṱanganaho, phanda ha musi i tshi ṋetshedza themendelo yayo kha Bodo.

(c) Arali masipala a kundelwa u fhirisela themendelo yayo kha Bodo vhukatini ha maḓuvha a 30 nga murahu ha u ṱanganedza khumbelo kana kha tshifhinga tshenetsho tshine Bodo ya nga ta musi yo humbelwa, khumbelo i nga shumaniwa nayo nahone ya fheleledzwa nga nnḓa ha themendelo yeneyo.

(3) Bodo i tea u kwamana, na Muredzhisṱari, u khwaṱhisedza arali mafhungo o ṋetshedzwaho nga muhumbeli a tshi ṱutshelana na mafhungo a re na Muredzhisṱari, arali e hone

(4) Bodo i nga kha ḓi sa ṋea thendelo nga kha zwiitisi zwo kalwaho, nahone thendelo dza fhethu dzi nga bvisiwa fhedzi siani ḽa -

(a) tshumelo dza lushaka lwa thekhisi dza zwibisana kana tshumelo dza u ḓo netshedzwa fhethu hune hu si vhe na bada dzo ṱanḓavhudzwaho;

(b) tshumelo dza ndisedzo vhukati ha vhupo ho iledzwaho na theminala khulwane kana tshileludzi tshi dzhenelaho;

(c) tshumelo dza mafheloni a vhege kana hu si na kwanyekwanye vhukati ha vhupo ho iledzwaho na uho ha vhanameli vhuhulwane, sa vhuongeloni kana mavhengeleni.

(5) Nga nnḓa ha zwo bulwaho kha khethekanyo ṱhukhu (4)(a), (b) na (c) Bodo i nga si tendele u fhiriswa ha thendelo ine ya tendela u endedzwa vhuponi kana kha vhungomu ha fhethu ho bulwaho nga nnḓa ha musi vhulaedzwa ho shandukiselwa kha ndila kana tserekano ya vhulaedzwa ho laedzwaho.

(6) Thendelo yo fhambanaho i tea u bviswa u itela tshiendisi tshiṅwe na tshiṅwe.

(7) (a) A hu na u pfukiswa ha tshiendisi hu tshi tevhedzwa thendelo hune ha ḓo tendelwa vhukati ha miṅwedzi ya rathi ya u bvisiwa ha thendelo, nga nnḓa ha musi mufari a tshi sumbedza zwi pfalaho zwauri ndi ngani phiriso i tshi tea u tendelwa.

(b) U itela iyi khethekanyo ṱhukhu "tshiitisi tsha vhuḓi" zwi ḓo katela fhedzi hu si u ṱukufhadza kha mafhungo a uri tshiendisi itshi tsho vha tsho tswiwa kana u tshinyiwa

(8) Bodo i nga hana u sedzulusa khumbelo u itela u nea, khwiniso kana u fhiriswa ha thendelo yo itwaho nga muthu ufhio na ufhio arali khumbelo ya u thoma nga onoyo muthu, ine u ya nga Bodo ya vha i na ndivho dzi fanaho kana dzi ṱoḓaho u fana sa zwo bulwaho kha khumbelo ya u thoma, yo ṋetshedzwa ya haniwa nga Bodo vhukati ha tshifhinga tsha miṅwedzi ya rathi phanḓa ha datumu ye ngayo khumbe-lo yo bulwaho u thoma ya ṱanganedzwa kha ofisi ya Bodo.

(9) Bodo i tea u hanedza u sedzulusa khumbelo u itela ndivhuwo, u vusuludza, khwiniso kana u pfukhiswa ha thendelo arali vhoṱhe vha tevhelaho vha tshi khou hanedzana na khumbelo:

(a) vhomasipala vho teaho;

(b) foramu dza vhuendi dzo teaho;

(c) madzangano o teaho; na

(d) komiti dza ndaulo ya ndila dzo ṱanganelaho dzo teaho.

(10) Bodo i tea u ta maimo, tshiimo na zwiṅwe zwishumiswa zwinė muhumbeli a nga zwi shumisa ho sedzwa themendelo u bva kha vhomasipala vho teaho, na u ṅwala hezwi kha thendelo

(11) A hu na thendelo ine ya ḓo ṋewa nga nnḓa ha musi muhumbeli e muraḓo wa dzangano ḽo redzhisṱariwaho nga muredzhisṱari fhasi ha khethekanyo 29 nahone muhumbeli a tikedziwa nga u tou ṅwala nga dzangano, kana ṱhanziela ya Muredzhisṱari nga u tou ṅwala zwauri muhumbeli o tea sa muredzhisṱari a si muraḓo fhasi ha khethekanyo yeneyo nahone o ita khumbelo u itela u redzhisṱara nga u tou ralo.

(12) Bodo a i nga ṋei thendelo kha muthu we a vhoniwa vhukhakhi ho randelwaho.

(13) Thendelo ya tshumelo i nga –

(a) tendela tshiendedzi u ṱuwa fhethu he tsha telwa arali kha lwendo lwa u huma tshi tshi hwala vhanameli vha linganaho na vhe tsha bva navho kha lwendo lwa u bva, kana tshiendedzi tsha vhuya tshi si na muthu;

(b) tendela mufari u shumisa lwendo kha mbadelo i so ngo tiwa nga muelo kha tshiendedzi, arali mbadelo ya lwendo luṅwe na luṅwe yo tiwa phanḓa ha musi lwendo lu tshi thoma.

U shandukiswa ha zwiendedzi

40. (1) Khumbelo ya u khwinisa thendelo u itela u shandukisa tshiendedzi yo sumbedzwaho kha thendelo nga tshiṅwe tshiendedzi tsha vhuhulu ha vhudzulo vhu fanaho vhu linganaho i nga, malugana na khethekanyo 47, ṋetshedzwa nga muofisiri wa Bodo ya o tewaho nga u ita zwenezwo nga mudzulatshidulo, hu si na u engedza iṅwe nyimele kana zwidodombedzwa zwa phemithi.

(2) Khethekanyo ṱhukhu (1) i ḓo shuma kha dzikhumbelo u itela u khwinisa dzithendelo kha u shandukiswa ha zwiendedzi zwa vhuhulu ha vhudzulo ho fhambanaho, vhune ha nga tendelwa arali vhuhulu ha vhudzulo ho teaho vhu tshi nga vhonala ho tea ho sedzwa pulane ya vhuendi ha vhanameli ho tendelwaho kana ṱhoḓea dzo randelwaho.

Nyandadzo ya khumbelo na vhuimeleli malugana na thendelo

41. (1) Musi Bodo i tshi ṱanganedza khumbelo, hu sa katelwi na khumbelo yo bulwaho kha khethekanyo 40(1), i -

(a) tea, hune khumbelo u itela u tendeliwa kana khwiniso (nga nnḓa ha khwiniso yo bulwaho kha phara (b)) ya thendelo;

(b) nga, hune khumbelo u itela khwiniso ya thendelo hu u itela u laedza u vhuedzedzwa lwa tshoṱhe ha tshiendedzi tsho bulwaho kha phemithi u itela nga tshiendedzi tshine vhuhulu ha vhudzulo ha lingana kana ha vha vhuṱuku kha kana ha fhira hovho ha tshiendedzi tsho bulwaho u thoma nga mbalo tsha ḓana tsha 20, kana kha hune ha vha na u fhiriswa ha phemithi; .

anḓadze kha Gazethe ya Vundu na kha gurannḓa zwayo nthihi i monaho na vhupo vhuṅwe na vhuṅwe hune vhanameli vha ḓo namedzwa na u tsitswa hone, na, nga nḓila yo randelwaho, u vhea nḓivhadzo ya khumbelo kha bodo ya nḓivhadzo kha ofisi dza Bodo.

(2) Muraḓo wa Khorotshitumbe a nga randela maitele ane nga khao na tshifhinga tshine khatsho madzangano a re na dzangalelo a ṋetshedza vhupfiwa kha kana vhaimeleli malugana na khumbelo dzi anḓadzwaho fhasi ha khethekanyo ṱhukhu (1).

(3) Mbetshelo dza iyi khethekanyo a dzi nga ḓo shuma kha khumbelo u itela u ṋetshedza thendelo yo itwaho malugana na kuitele kwo randelwaho.

Mafhungo a teaho u dzhielwa nṱha hu tshi fheleliswa khumbelo malugana na thendelo

42. (1) Hu tshi ṱanganyiswa na dziṅwe mbetshelo dza uyu Mulayo, Bodo i tea u dzhiela nṱha zwithu zwi tevhelaho i tshi tshea uri khumbelo i nga tendelwa kana i si tendelwe nahone kha u ta maimele (arali e hone) ane nga khao phemithi ya ḓo itwa fhasi ha:

(a) mbetshelo dzo teaho dza pulane dza vhuendi ha vhanameli;

(b) thendelo dzi bvaho ha vhomasipala vho teaho, foramu dza vhuendi, madzangano na komiti dza ndangulo dza nḓila dzo ṱanganelaho;

(c) khanedzo dzifhio na dzifhio kha kana vhuimeleli malugana na khumbelo dze dza ṱanganedzwa;

(d) vhuhulu vhune vhuendi ha ṱoḓea kana lutamo kha dzangalelo ḽa vhathu;

(e) ṱhoḓea dza vhathu u ṅtela vhuendi vhukati ha nḓila kana vhukati ha masia ane muhumbeli a humbula u shuma, kana kha vhupo vhune muhumbeli a humbula u shuma;

(f) zwishumiswa zwa vhuendi zwi re hone kha vhathu vhukati ha nḓila kana vhukati ha masia kana kha vhupo;

(g) pfananyo ya zwivhumbeo zwoṱhe na matshimbidzele a vhuendi kha nyimele ya ekonomi yavhuḓi na malugana na dzangalelo ḽa vhathu;

(h) vhukoni ha muhumbeli kha u ṋetshedza tshumelo;

(i) u vha na mulandu hufhio na hufhio ha u thoma ha muhumbeli u itela vhukhakhi;

(j) u vha hone ha mulayo wapo, ndaulo, thivhelo, phungudzo na u haniswa ho teaho kha vhuendi ho humbelwaho;

(k) mafhungo maṅwe afhio na afhio ane, nga muhumbulo wa Bodo, a nga vha o tea kha mbudziso kana khumbelo i ṋetshedzwaho kana maimele afhio ane a nga nambatedzwa kha thendelo.

(2) Ipfi "vhukoni" kha khethekanyo ṱhukhu (1) ḽi ḓo katela, fhedzi ḽi songo guma kha, vhukoni ha masheleni ha muhumbeli ha u ṋetshedza tshumelo yo humbelwaho nga maitele a konadzeaho.

Tshumelo dza thekhisi dza vhukatini ha mavundu

43. (1) Hune muthu a tama u dzhia tshumelo dza thekhisi dza vhukatini ha mavundu, u tea u humbela kha Bodo u itela thendelo arali tshiendedzi tshine ngatsho tshumelo dza khou ya u dzhiwa tshi kana tshi tshi ḓo redzhisiṱariwa kha Vundu.

(2) Bodo i nga ḓi hana u ṋetshedza khumbelo ya thendelo i thendelelaho tshumelo dza vhukatini ha mavundu, kana u itela u vusuludza kana u fhirisa thendelo yeneyo, kana u itela khwiniso ya thendelo i kwamaho tshumelo dza vhuendi ha vhathu kha mańwe mavundu, nga nnḓa ha kha thendelo ya kha vundu kana tshińwe tshivhili tshi re na vhuḓifhinduleli ha u bvisa thendelo kha vundu liń̓we.

(3) Hune Bodo i sa kone u wana thendelo ya bodo yeneyo kana tshińwe tshivhili tshine nga khatsho tshifhinga tsho randelwaho, Bodo i tea u ṋetshedza mafhungo sa khaṱhululo kha Khoro ya Khaṱhululo ya Vhuendi zwi tendelanaho Mulayo wa Khoro Khanṱhululo wa Vhuendi, 1998.

(4) Khaṱhululo dza malugana na tshumelo dza thekhisi dza vhukatini ha mavundu i tea u itwa kha Khoro ya Khaṱhulo ya Vhuendi zwi tendelanaho na Mulayo wa Khoro ya Khaṱhulo ya Vhuendi, 1998.

(5) hune tshumelo dza thekhisi dza mavundu a dzhenelanaho, vhanameli vha nga si namedzwe kana u tsitswa nga nnḓa ha kha masia a mathomo na magumo: Tenda ha vha hu uri arali ha vha hu si na tshumelo dza u nanga vhukati ha mathomo na magumo na kha masia hu tsitswaho na u namedzwa, kana madzangano a tshimbilelanaho a shumaho kha nḓila o tendelana henefho, vhanameli vha nga namedzwa na tsitswa.

Tshumelo dza thekhisi dza dzitshakha

44. Khumbelo ya thendelo i tendelaho tshumelo ya thekhisi ya dzitshakha i tea u itwa kha Komiti ya Ndaulo hu tshi tevhedzwa Mulayo wa Vhuendi wa Bada wa Vhupfukha Mikano, 1998 (Mulayo No 4 wa 1998), nahone khaṱhulo ifhio na ifhio i ṱutshelanaho henefho i tea u shumaniwa nayo hu tshi tevhedzwa uyu mulayo.

Tshumelo dza Vhuendelamashango

45. (1) Muraḓo wa Khorotshitumbe a nga ita ndaulo dzi vhetshelaho thoḓea dza sipeshala malugana na khumbelo u itela thendelo dzi ṱutshelanaho na tshumelo dza vhuendelamashango kana zwiendedzi kana vhareili vha shumiswaho kha dzenedzo tshu-

melo, ntha ha kana he mbetshelo dzenedzo dza vha kha uyu Mulayo.

(2) Ndaulo dzo bulwaho kha khethekanyothukhu (1) dzi nga toda zwauri themendelo dzi tea u wanala u bva kha Bodo ya Mbambadzo ya Vhuendelamashango ha Vundu la Devhula, phanda ha musi khumbelo u itela thendelo dzi tendelaho tshumelo dza vhuendelamashango dzi tshi sedziwa.

Tshifhinga tsha u shuma tsha thendelo

46. (1) Vhulapfu ha tshifhinga tsha thendelo tsho bvisiwaho hu tshi tevhedzwa uyu Mulayo tshi do vha nga he tsha randelwa.

(2) Musi tshifhinga tsha thendelo tshi re hone tsho vhewaho tshi tshi fhela, na khumbelo ya u itela u vusuludzwa hayo zwi bva kha Bodo, thendelo i do bvela phanda na u shuma u swikela khumbelo yo no fheleledzwa.

U newa ha thendelo na mbetshelo henefho

47. (1) Malugana na khethekanyo thukhu (2), Bodo i tea u netshedza, nga maitele o randelwaho, thendelo yo tendelwaho, vusuludzwaho, kana fhiriswaho ngayo.

(2) Bodo i nga si netshedze thendelo nga nnda ha musi-

(a) i tshi fushea zwauri tshiendedzi tshiňwe na tshiňwe tshine thendelo ya netshedzwa tsho tea u vha kha lushaka lwa vhuendi vhune tsha do shumiswa;

(b) malugana na tshiendedzi tshiňwe tshenetsho thanziela yo teaho yo tendelwaho, thanziela ya u tendelwa u vha badani yo netshedzwaho fhasi ha mulayo u tutshelanaho na thanziela na u redzhistariwa ha zwiendedzi kha Vundu, kana nga murahu ha datumu yo tiwaho nga ndaulo, yo netshedzwa khayo; nahone

(c) muhumbeli o redzhistariwa nga Muredzhistari kana o ita khumbelo ya u redzhistara.

(3) Arali nga tshifhinga tsha thendelo, thanziela ya u luga, kana u tendelwa u vha badani hune thendelo ya sumbedza, hu si tsha shuma, nga iňwe ndila ifhio na ifhio, thendelo yone i do imiswa, nahone mufari u tea u i newa na zwiga zwothe zwa u talula zwi tutshelanaho na henefho kha Bodo u itela u zwi vhulungiwe nga ho tsireledzeaho vhukati ha maduvha a 14 u bva nga datumu ya ye ngayo thendelo i kwameaho ya thoma u sa shuma.

(4) Thendelo ifhio na ifhio yo n̓etshedzwaho hu tshi tevhedzwa iyi khethekanyo i tea u buledza zwi tevhelaho; zwine zwa vha-

(a) dzina na aḍirese ya mufari;

(b) tshivhalo tsha vhaendedzi vhane vha ḍo endedzwa kha tshiendedzi tshi kwameaho hu tshi tevhedzwa t̓hanziela yo teaho ya u luga, kana t̓hanziela ya u tendelwa u vha badani: Tenḍa ha vha uri mbalotshikati ya vhanameli vho tendelwaho nga Bodc· a i nga ḍo fhiriswa;

(c) nomboro ya u redzhist̓ara, lushaka, nomboro ya vhufaedzi ha tshiendedzi, nwaha wa u itwa, lushaka, vhudzulo kana vhuhulu ha tshiendedzi kha vhanameli zwi tshimbilelananho na u n̓etshedzwa hayo henefho;

(d) nḍila kana nḍila tserekano dzine khadzo kana sia kana masia ane khao tshumelo yo teaho i nga dzhiwa, zwi tshi katela na masia a mathomo na magumo, masia oṱhe ane vhanameli vha nga namedzwa kana u tsitswa na dzirenkeni, vhuimoni na zwiṅwe zwishumiswa zwine zwa nga shumiswa;

(e) maimele afhio na afhio ane Bodo ya nga a ta nga hune ya humbulisa zwone.

(5) Khathihi na thendelo ifhio na ifhio ine i nga n̓etshedzwa kana u shandukiswa, Bodo i tea u n̓etshedza zwiga zwa u t̓alula kana zwiga nga nḍila kana maitele o randelwaho, kana u kundelwa kha dzenedzo ndaulo, nga nḍila kana maitele o tiwaho nga Bodo.

Rekhodo dza thendelo

48. Bodo i tea u -

(a) vhea fhethu hune ya shumela hone kopi ya thendelo iṅwe na iṅwe yo n̓etshedzwaho ngayo hu tshi tevhedzwa uyu Mulayo na khwiniso iṅwe na iṅwe yo itwaho ya thendelo yeneyo ifhio na ifhio;

(b) dzhenisa zwidodombedzwa zwo randelwaho malugana na thendelo dzenedzo, mufari wa thendelo na tshiendedzi tshi tshimbilelanaho na data yo randelwaho;

(c) tendela muthu ufhio na ufhio ane nga iṅwe nḍila a kwameaho nga thendelo yeneyo kana khwiniso, u i t̓ola, nahone a nga ri nga khumbelo ya onoyo muthu, a mu n̓ea kopi ya phemithi i kwameaho na khwiniso henefho nga kha mbadelo yo randelwaho.

U imelwa ha tshiendedzi lwa tshifhinganyana tshine thendelo ya vha yatsho

49. (1) Hune tshiendedzi tshine tsha vha na thendelo tshi sa tsha shuma kana, nga nṱhani ha khombo, ya vha yo bvisiwa kha tshumelo lwa tshifhinganyana, Bodo kana muraḓo henefho o vhewaho nga mudzulatshidulo wa Bodo u itela zwenzwo a nga, hu tshi tevhedzwa khethekanyo ṱhukhu (2) na (3), nga u funa a ṋea thendelo ya u tou ṅwala zwauri tshiendedzi tshiṅwe na tshiṅwe tshi nga shumiswa nga mufari wa phemithi o teaho u itela tshumelo ya vhuendi ha vhathu yo tendelwaho nga thendelo, kha tshiendedzi tsho bulwaho u thoma.

(2) Vhuhulu ha vhudzulo ho imelaho tshiendedzi vhu tea u lingana na kana u vha vhuṱuku kha kana vhu sa fhire nga mbalo tsha ḓana tsha 20 ha tshiendedzi tshine thendelo ya vha yatsho.

(3) Tshiendedzi tsho imelaho tshi nga shumiswa tshifhinga tshenetsho tshi sa fhiriho maḓuvha a 42 sa zwine bodo kana muraḓo o teaho a nga ta.

(4) Tshiendedzi tsho imelaho tshi ḓo ri tshifhinga tsho bulwaho kha khethekanyo ṱhukhu (3), u itela uyu Mulayo u dzhiwa u vha tshiendedzi tshi re na thendelo yo tendeliwaho.

Maanḓa maṅwe a ḓiswaho nga thendelo

50. Thendelo i ḓo, kha nḓadzo ya nyendedzo dzo bulwaho nga vhulaedzwa hayo, tendela vho u ḓiswa ha vhathu vho fanelaho malugana na nyendedzo ya vhulaedzwa ho bulwaho.

Ndivhanelo dza mufari wa thendelo

51. (1) Mufari wa thendelo u tea u –

(a) laula tshumelo dzo laedzwaho nga thendelo malugana na pulane ya vhanameli vha vhuendi vho teaho na maimele a phemithi;

(b) fara phemithi kana thendelo yo tou ṅwaliwaho yo bulwaho kha khethekanyo 49, na ṱhanziela yo redzhisṱariwaho ya muṅwali yo ṋetshedzwaho fhasi ha khethekanyo 29, kha tshiendedzi tsho tendelwaho na u zwi bvisa musi zwi tshi ṱoḓea kha muofisiri a re na vhulaedzwa;

(c) vhulunga thendelo na zwiga zwoṱhe zwa u ṱalula henefho, nga maitele ane marifhi na mbalo khatsho dza vha dzi vhonalaho zwavhuḓi nahone, arali phemithi yo tshinyadzwa kana i si tsha vhonala zwavhuḓi, a humbela u itelwa mukokotolo nga nḓila yo randelwaho;

(d) ita uri dzina, adirese na lushaka lwa bindu la mufari u vhewa fhethu ho dzumbamaho kha tshiendedzi tshine na phemithi ya thendela, nga maitele o randelwaho kana nga maṅwe maitele ane Bodo ya nga a tendela nga u tou ṅwala nga iṅwe ndila;

(e) tana zwiṅwe zwidodombedzwa zwo tiwaho nga Bodo kana sa zwo randelwaho;

(f) engedza kana u dzula o engedza nga maitele o randelwaho zwiga zwothe zwi talulaho zwo netshedzwaho hu tshi tevhedzwa uyu Mulayo kha tshiendedzi tsho shumisiwaho hu tshi tevhedzwa thendelo;

(g) ita khumbelo hu na tshifhinga u itela u vusuludzwa ha thendelo;

(h) vhona uri mafhungo othe a re kha thendelo a dzule o dzudzanyea nga khumbelo dzo fanelaho u itela khwiniso;

(i) swikisa kha Bodo ngomu ha u mafhela a ṅwedzi muthihi wa khalenda wa thanziela ya ṅwaha ya u luga kana thanziela ya u tendelwa badani thanziela ntswa u itela thanziela ntswa ya tshiendedzi tshine thendelo ya vha yatsho;

(j) humisela kha Bodo u itela u phumulwa ha thendelo malugana na tshiendedzi tshe tsha vha tsho fheleledzwa nga mufari.

(2) Thendelo yo netshedzwaho fhasi ha uyu Mulayo –

(a) a i nga tendeli mufari wayo u ita tshumelo ya vhuendi ha vhathu fhethu ho iledzwaho ha masipala arali zwi siho mulayoni u ita ngauralo fhasi ha mulayo muṅwe ufhio na ufhio u shumaho fhethu henefho;

(b) a i nga vhofhololi mufari kha pfanelo ya u tevhedzelana na thodea dzo tetshelwaho ene kana fhasi ha muṅwe mulayo ufhio na ufhio kana fhasi ha laisentsi kana thendelo yo netshedzwaho nga vhuṅwe vhulaedzwa.

U bvisiwa, u imisiwa kana khwiniso ya thendelo

52. (1) Hu tshi tevhedzwa mbetshelo dza khethekanyothukhu (4), Bodo i nga ri tshifhinga tshifhio na tshifhio ya bvisa, khwinisa kana u imisa tshifhinga tshenetsho tshine ya nga vhona zwo tea, thendelo yo netshedzwaho ngayo –

(a) arali mufari wa thendelo yeneyo kana mushumi wa mufari o no wanwa mulandu wa vhukhakhi fhasi ha uyu Mulayo kana fhasi

ha mulayo u tshimbilelananho na tshiendedzi kana ndaulo ya vhuendi kana mushumo wa tsireledzo kana vhushaka ha mushumoni, kana vhukhakhi ho randelwaho: kana

(b) arali, nga muhumbulo wa Bodo, mufari a so ngo tshimbidza nga lwo fulufhedzeaho nyimele na thoḓea dza thendelo; kana

(c) arali mufari a kundelwa u thoma tshumelo yo tendelwaho nga thendelo kana tshipiḓa tshifhio na tshifhio henefho vhukati ha miṅwedzi ya rathi ya u ṉetshedzwa ha thendelo nga nnḓa ha musi mufari a tshi nga ṱanziela kha Bodo zwauri hu na tshiitisi tsha zwenezwo, hune tshiitisi tshi nga katela, fhedzi zwi si fhungudzwe kha –

(i) vhulwadze kana u sa kona ha mufari;

(ii) fhungo ḽa uri tshiendedzi a tshi ho kha tshumelo lwa tshifhinganyana nga nṱhani ha khombo.

(iii) nzudzanyo dzine dza khou itwa u itela u pfukhiswa ha thendelo nga nṱhani ha lufu lwa mufari;

(iv) u konḓelwa kha zwa masheleni nga nṱhani ha zwiitisi zwine zwi si langee nga mufari; kana

(v) fhungo ḽa zwauri mufari u khou kundelwa u netshedza tshumelo nga nṱhani ha tshiimo tsha khuḓano; kana

(d) arali mufari o ima u netshedza tshumelo kana tshipiḓa tshifhio na tshifhio henefho lwa maḓuvha a 180 nga u tevhekana; kana

(e) arali mufari o kundelwa u swikisa kha Bodo ṱhanziela ntswa ya ṅwaha ya u luga kana ṱhanziela ya u tendelwa u vha badani malugana na tshiendedzi tsho tendelwaho nga phemithi; kana

(f) arali mufari o shandukisa tshiendedzi tsho tendelwaho nga thendelo.

(2) Hune mufari wa thendelo a vha a o ima u redzhisṱara kha Muredzhisṱari, kana nga muraḓo wa dzangano ḽa u sa redzhisṱariwa kana Bodo yone ine i tea u humisa thendelo dzoṱhe dzo fariwaho nga mufari.

(3) Hune dzangano ḽa vha ḽo imisa muṅwe wa miraḓo yaḽo, Muredzhisṱari u tea u ṉea muvhigo wo teaho wa komiti ya ndaṱiso kha Bodo, hune nga khawo Bodo ya tea u imisa thendelo dzoṱhe dzo farwaho nga onoyo muraḓo tshifhinga tsha nyimiso ya muraḓo.

(4) Bodo i nga si bvise kana u imisa thendelo fhasi ha khethekanyo (1), (2) kana (3), nga nnḓa ha –

(a) maḓuvha a 21 zwao a ndivhadzo ya u tou ṅwala ya u ṱoḓa hayo u ita ngauralo, nga zwiitisi, yo ṉetshedzwa mufari nga vhurifhi ho tou redzhisṱariwaho; kana

(b) mufari o fhiwa tshifhinga, hu nga vha nga ene muṉe kana nga muimeleli o laedzwaho, o ḓivhonadza phanḓa ha Bodo na u ṉea vhuṱanzi kana u ṉetshedza vhuimeleli malugana na nyito yo dzhiwaho.

(5) Lwa vhuvhili kana vhukhakhi ha vhuvhili ha muthu o khakhaho vhukhakhi ha u shumisa tshumelo dzi so ngo tendelwaho, Bodo i nga –

(a) nga ndivhadzo ya u tou ṅwalaho yo rumelwa nga vhurifhi ho redzhisṱariwaho, bvisa kana u imisa thendelo yo farwaho nga o noyo muthu tshifhinga tshine ya nga vhona tsho tea; na

(b) tshifhinga tshine Bodo ya vhona tsho tea, hu sa sedziwi uri thendelo yo fariwaho nga onoyo muthu yo bvisiwa fhasi ha phara (a), o hanelwa u sedzelwa khumbelo u itela u ṉetshedzwa kana u sudzuluswa ha thendelo khae kana kha khamphani ine a vha mulanguli, kana u itela u vusuludzwa ha thendelo ye a i fara kana yeneyo khamphane.

(6) U itela khethekanyoṱhukhu (5) u vhoṅwa mulandu ha khamphani wa vhukhakhi ho bulwaho kha khethekanyo yeneyo, zwi ḓo dzhiwa sa u vhoṅwa mulandu wa vhukhakhi honoho.

U humiswa ha thendelo hu tshi tevhedzwa pulane ya vhuendi ha munameli

53. (1) Arali hu tshi tevhedzwa pulane ya vhuendi ha vhanameli zwi vhonala nga u rali-

(a) ndisedzo yo kalulaho ya tshumelo dza lushaka lwa thekhisi dza zwibisana kana ndila kana ndila dza tserekano zwo vha hone nga nṱhani ha u ṉetshedzwa hafhu ha thendelo dzo bulwaho kha khethekanyo 35; kana

(b) ho vha na u shandukiswa he ha vha hone kha ndila kana ndila dza tserekano kana maitele e ngao tshumelo ya lushaka lwa thekhisi dza zwibisana kana tshumelo ya lushaka lwa thekhisi dza muelo dza vhetshelwa, zwe zwa bveledza ndisedzo yo kalulaho ya tshumelo yeneyo.

vhulaedzwa ha vhupulane vhu tea u shumisa ndingedzo yayo ya khwiṋe kha u netshedza vhafari vha thendelo vho teaho dziṅwe dza tshumelo kana tshumelo dzine dza fana na u dzheniswa ha mbuelo, hune u ṋetshedzwa hu sa ḍo sokou haniwa nga vhafari.

(2) (a) Arali tshumelo dziṅwe dzo bulwaho kha khethekanyo ṭhukhu (1) dzi sa wanali, Bodo i nga thoma na maitele a u bvisa thendelo dza mufhalala.

(b) U itela uri hu vhe na mveledzo kha maitele o bulwaho kha phara (a), Bodo i tea u ramba vhafari vha dzithendelo kha nḍila kana nḍila tserekano dzo bulwaho kha khethekanyo ṭhukhu (1) u sumbedza kha kana phanḍa ha datumu yo bulwaho nga u tou ṋwala ṭhanganyelo ya ndinganyiso lune nga khawo vha ṭoḍa u ṋetshedza thendelo dzavho.

(3) Nga murahu ha u sedzulusa ṭhanganyelo dzo ṋetshedzwaho nga vhafari (arali dzi hone), vhulaedzwa ha u pulana vhu nga badela ṭhanganyelo dzo vhilwaho nahone Bodo i nga bvisa thendelo dzo teaho.

(4) Arali nga murahu ha u fhedza ha kuitele kwo bulwaho kha khethekanyo ṭhukhu (2) na (3) ha vha hu kha ḍi vha na thendelo dza mufhalala kha nḍila kana nḍila tserekano dzo bulwaho Bodo, arali i tshi tama u humiswa ha thendelo idzo, i tea u bvela phanḍa na u bvisa dzenedzo thendelo kha theo ya, "u thoma na u fhedza" nahone vhulaedzwa ha u pulana vhu tea u badela kha vhafari tshelede ya ndifho yo vhalelwaho hu tshi tevhedzwa tsumbamushumo yo tiwaho nga Muraḍo wa Khorotshitumbe.

(5) Nyito dzoṭhe dzi dzhiwaho nga Bodo hu tshi tevhedzwa iyi khethekanyo dzi tea u itiwa hu na thendelano na vhulaedzwa ha u pulana ho teaho.

U dzhiululwa ha zwiendedzi

54. (1) Muofisiri ane a vhona zwo fanela zwauri tshiendedzi tshi khou shuma kha tshumelo i so ngo laedzwaho, a nga dzhiulula tshiendedzi.

(2) Tshiendedzi tsho dzhiululwaho fhasi ha khethakanyo (1) tshi tea u vhewa nga Muhasho nahone tshi nga vhofhololwa u swika, hune mufari wa thendelo yo tendeliwaho a shumisa tshiendedzi tshenetsho, a vha o vhonwa mulandu wa u shumisa tshumelo i so ngo tendeliwaho-

(a) o badela tshelede yo randelwaho nga ndaulo, ine ya ḍc shumiswa nga Muhasho u lifha zwikolodo zwo thomiwa na u laulwa nga u dzhiulula ho teaho kana nzhiululo kana tshikalo, arali tshi hone, tsha ḍo badelwa kha Tshikwama tsha Vhuendi ha Ḍoroboni ha Vundu; na

(b) o badela mbadelo yo teaho kana o shuma tshigwevho tsho teaho tsha dzhele,

Tenda ha vha hu uri mbadelo ya ndaulo u itela u dzhiululwa lwa vhuvhili ya vha i mutengo wo randelwaho na u engedzwa luvhili kha u dzhiululwa nga u tevhelelana.

(3) U dzhiululwa ha tshiendedzi fhasi ha iyi khethekanyo a hu nga ḓo vhofholola mufari a kwameaho, kana muṋe kana mureili henefho u sa vhonwa mulandu kha vhukhakhi fhasi ha uyu Mulayo kana mulayo u ṱutshelanaho na ndaulo na u langwa ha vhuendi ha badani.

Vhukando ha sipeshala kha manwe masia

55. (1) Muraḓo wa Khorotshitumbe a nga, arali a tshi vhona zwo tea, nga nḓivhadzo kha Gazethe ya Vundu, ta fhethu, nḓila kana nḓila dza tserekano malugana na hune vhukando ha sipeshala kha iyi khethekanyo a ḓo shuma.

(2) (a) Muraḓo wa Khorotshitumbe a nga ita ndaulo dzi vhetshelaho zwauri nthihi kana nnzhi dza nḓila kana renke dzi valwe u itela tshumelo ya lushaka lwa thekhisi dza zwibisana kana tshumelo ya thekhisi dza mithara kha fhethu ho tiwaho fhasi ha khethekanyo ṱhukhu (1) u itela tshifhinga tsho bulwahio kha ndaulo, na zwauri hu so ngo vha na muthu ane a shumisa tshumelo dzenedzo kha nḓila kana dzinḓila kana renke kana dzirenke nga tshifhinga tshenetsho.

(b) Ndaulo dzi nga vhetshela zwauri u pfukiwa ha zwenezwo hu ḓo vhumba vhukhakhi na u randela khaṱhulo malugana na zwenezwo.

(3) Ndaulo dza fhasi ha khethekanyo ṱhukhu (2) dzi nga vhetshela u ṋetshedzwa ha phemithi dza tshifhinganyana kha vhafari vha phemithi dzi laedzaho u shumiswa ha tshiendedzi tshi re na vhuhulu ha vhudzulo ha vhathu vha fhiraho 17, hu tshi katelwa na mureili, u shumisa nḓila yo valiwaho tshifhinga tsha u valwa hadzo.

NDIMA 8

KHOMBETSHEDZO YA MULAYO

Vhukhakhi na thivhelo

56. Muthu ane -

(a) a ṋetshedza tshumelo ya lushaka lwa thekhisi dza zwibisana kana hu si na maanḓa ha thendelo;

(b) a ri e mufari wa thendelo, a shumisa tshumelo ya thekhisi dza lushaka lwa zwibisana zwi fhambanaho na nyimele kana ṱhoḓea dza thendelo, kana a kundelwa u tevhedza nyimele ifhio na ifhio ya thendelo;

(c) a ri e mufari wa thendelo kana zhendedzi kana mushumi wa mufari wa thendelo, u shumisa thendelo ya mufari wa phemithi;

(d) a ri a na ndivho ya u ṱoḓa u xedza, fhura, tshintsha, tshinya kana u ḓadza kha thendelo;

(e) a ḓivha uri u ṅwala hufhio na hufhio a si thendelo kana ḽiṅwalo ḽo ṋetshedzwaho fhasi ha uyu Mulayo, u bula kana u shumisa u ṅwala honoho kana ḽiṅwe ḽiṅwalo hu u itela uyu Mulayo;

(f) ḓivha uri thendelo ifhio na ifhio kana ḽiṅwe ḽiṅwalo ḽo ṋetshedzwaho fhasi ha uyu Mulayo ḽo shandukiswa, tshinyiwa, shandulwa kana u ḓadziswa, lo shumiswa u itela uyu Mulayo;

(g) nga nnḓa ha musi zwo tendelwa nga uyu Mulayo a pfukisela thendelo kana zwiga zwi ṱalulaho, hu si na thendelano ya u tou ṅwalwaho ya Bodo, kha tshiendedzi kana muthu nga nnḓa ha tshiendedzi kana muthu o bulwaho nga kana o ṅwaliwaho kha thendelo kana zwiga zwi ṱalulaho;

(h) a ḓiita u nga u muofisiri o laedzwaho;

(i) o ḓiimisela a thivhela kana u dzumba kana u dzhenelela kha muofisiri o laedzwaho kha mushumo wawe kana maanḓa awe kana u itiwani ha ndivhanelo dzawe;

(j) a kundelwa u tevhedzelana na nḓila kana muvhilo wo itwaho nga muofisiri o laedzwaho:

(k) nga nnḓa ha tshiitisi tshi pfadzaho a kundelwa kana a hana u ḓivhonadza phanḓa ha Bodo kana muraḓo henefho nga murahu ha

musi o humbelwa u ita ngauralo hu tshi tevhedzwa uyu Mulayo, kana a kundelwa kana a hana u fhindula nga hune a ḓivha ngaho lwa mulayoni mbudziso dzo vhudziswaho ene kana u swikisa bugu, pulane kana liṅwe liṅwalo kana tshithu tshine a vha a tshi khou tshi vhudziswa uri a tshi bvise;

(l) a ṋea vhuṱanzi ha u zwifha musi vhu tshi khou ṱoḓiwa uri a vhu ṋetshedze hu tshi tevhedzwa uyu Mulayo;

(m) a kundelwa u bula vhuṱanzi ho bulwaho kha kha khethekanyo 34(6) kha khumbelo yawe;

(n) a humbela u itela kana a wana thendelo a tshi zwi ḓivha uri thendelo iṅwe yo no ḓi ṋetshedzwa kha muṅwe muthu kana muṅwe muthu wa mulayo zwi tshimbilelanaho na tshenetsho tshiendedzi tshithihi;

(o) a ṱana zwiga zwi ṱalulaho kha tshiendedzi tshi shumisaho tshumelo ya lushaka lwa thekhisi dza zwibisana kana tshumelo ya thekhisi dza mithara, zwi so ngo ṋetshedzwaho nga lwa mulayo fhasi ha uyu Mulayo kana muṅwe mulayo ufhio na ufhio;

(p) a kundelwa u nambatedza kana u dzula o nambatedza zwiga zwa u ṱalula kha tshiendedzi tshifhio na tshifhio sa zwo randelwaho;

(q) a kundelwa u humisela zwiga zwi ṱalulaho kha Bodo kana a zwi tshinyekanya musi zwi tshi ṱoḓiwa murahu kana u tshinyadzwa nga Bodo kana Muhasho;

(r) e munameli kha tshiendedzi, a kundelwa u ṋea dzina ḽawe na aḓiresi kha muofisiri o laedzwaho kana kha muvhuso kha muofisiri onoyo o badela kana a so ngo badela kha u endedzwa honoho;

(s) e mufari wa thendelo, a shumisa tshumelo dzi so ngo tendelwaho; kana

(t) a pfuka kana a kundelwa u tevhedzela na mbetshelo dzifhio na dzifhio dza uyu Mulayo, arali u pfuka kana u kundelwa honoho hu so ngo vha mulevho huṅwe fhethu kha vhukhakhi,

u na mulandu wa vhukhakhi nahone o wanwa mulandu o tewa nga ndaṱiso i sa fhiriho R100,000, kana u valelwa dzhele tshifhinga tshi sa fhiri miṅwaha miraru kana zwoṱhe ndaṱiso na u valelwa.

Mahumbulelwa na vhuṱanzi ha vhuṅwe vhungoho

57. (1) Kha u sengiswa fhasi ha uyu Mulayo-

(a) muthu o endedzaho muthu nga tshiendedzi tshine tsha vha na

vhuhulu ha vhudzulo ha vhathu vha fhasi ha 17, hu tshi katelwa na mureili, kana o tendelaho u endedzwa nga ṋḓila yeneyo ya muthu onoyo wa ṋḓadziso kha mureili wa tshiendedzi, u ḓo dzhiwa, hune hu si na vhuṱanzi vhu hanedzaho, zwenezwo u vha o shumisa tshumelo ya lushaka lwa thekhisi dza zwibisana, sa zwine zwa nga vhi sa zwone;

(b) arali zwa vha na vhuṱanzi uri muthu o endedzwa hu tshi khou pfukiwa uyu Mulayo nga ṋḓila ya tshiṅwe tshiendedzi, muṋe wa tshiendedzi u ḓo dzhiiwa, hune hu si vhe na vhuṱanzi vhu hanedzaho, u vha o endedza muthu nga u ralo;

(c) muthu ane khae ha wanala ḽiṅwalo ḽifhio na ḽifhio ḽi si ḽa ngoho ḽo itelwa uri ḽi nge sa thendelo yo ṋetshedzwaho fhasi ha uyu Mulayo, kana ane khae thendelo yo shandukiswaho, tshinyiwaho kana yo ḓadziswaho hu u pfuka uyu Mulayo a wanala, u ḓo dzhiwa, hune hu si vhe na vhuṱanzi vhu hanedzaho, u vha o ita u ṅwala honoho kana u shandukisa, tshinya, kana u u ḓadzisa kha yeneyo phemithi.

(2) Ḽiṅwalo ḽine ḽa nga ndi phemithi ḽo ṋetshedzwaho fhasi ha uyu Mulayo, kana kopi ya thendelo yeneyo yo ṱanzielwaho sa kopi ya vhukuma nga muthu ane a nga muofisiri wa Bodo, ḽi ḓo ri kha u bveledzwa haḽo nga muthu ane a khou sengisa fhasi ha uyu Mulayo, ḽa ṱanganedzwa na u dzhiwa sa vhuṱanzi ha hongo zwauri ndi thendelo yo ṋetshedzwaho lwa tshifhinganyana fhasi ha uyu Mulayo, kana zwauri ndi kopi ya vhukuma ya thendelo yeneyo, sa zwine zwa nga vhisa zwone, na zwauri tshitatamennde tshiṅwe na tshiṅwe tshine tsha vhonala henefho ndi tsha ngoho.

(3) Ḽiwalo ḽine ḽa bula zwa uri tshiendedzi tsho redzhisṱariwa lu re mulayoni nga dzina ḽa muthu o bulwaho henefho, nahone ḽi sumbedzaho u vha ḽo ṋetshedzwa hu re na vhuḓifhinduleli ha u redzhisṱarisa zwiendedzi fhethu hune zwiendedzi zwenezwo zwa redzhisṱariwa hone, u ḓo te-ndela nga vhuṱanzi ha u thoma u ṋea vhuṱanzi ha u thoma ha zwitatamennde zwa ngoho zwi wanalaho henefho kha u fariwa u itela vhukhakhi fhasi ha uyu Mulayo wa Maanḓa.

Maanḓa a Mulayo

58. Khoṱhe ya madzhisiṱaraṱa i na Maanḓa a Mualyo a u sengisa mulandu ufhio na ufhio malugana na vhukhakhi sa zwo bulwaho fhasi ha uyu Mulayo na u ta khaṱhulo ifhio na ifhio zwi tshi ṱutshelana na zwenezwo.

Phungudzo ya Khwalo

59. A hu na muthu a re na khwalo malugana na zwiṅwe na zwiṅwe zwo itwaho nga vhufhulufhedzei kha u shumiswa ha maaṋḍa kana u bveledza dziṅwe ndivhanelo dzo n̤ewaho kana u hweswa nga kana fhasi ha uyu Mulayo.

NDIṂA 9

MBETSHELO DZA U ANGAREDZA

Ndaulo

60. (1) Muraḍo wa Khorotshitumbe a nga ita ndaulo -

(a) malugana na -

(i) mafhungo a no ḍo n̤etshedzwa na khumbelo u itela u newa, u vusuludzwa, khwiniso kana u fhiriswa ha thendelo;

(ii) kuitele ku no ḍo tevhelwa nga, Bodo kha u shumana na khumbelo iṅwe ifhio na ufhio;

(iii) mafhungo ane a ḍo n̤etshedzwa na khaṯhululo kha Khoro ya Khaṯhululo ya Vhuendi zwi fhambanaho na mulayo, sia kana tsheo ya Bodo

(iv) mafhungo a no ḍo n̤etshedzwa nga Bodo kha Khoro Khaṯhululo ya Vhuendi kana vhahumbeli vha khaṯhululo malugana na khaṯhululo, maitele ane ngao, na tshifhinga tshine khatsho, mafhungo a tea u n̤etshedzwa;

(v) mafhungo a no ḍo n̤etshedzwa kha Muhasho nga mufari wa thendelo, vho masipala na madzangano;

(vi) vhukhakhi vhune Bodo ya tea u vhu dzhiela nṯha kha u sedzulusa khumbelo dza thendelo;

(vii) u nomboriwa ha dziṋḍila na u kovhiwa henefho kha maṅwe madzangano kana miraḍo yao, kana vha si miraḍo, na nḍila na u n̤etshedzwa ha zwiga zwi ṯalulaho malugana na zwenezwo;

(viii) u bviswa ha na u vhewa khagala ha zwiga ṱhaluso nga vha ṋeyi vha shumelo yo bulwaho kha khethekanyo 38.

(b) (i) u laula u shumiswa ha vhuendi ha vhana vha zwikolo nga mufari wa thendelo;

(ii) u laula mbetshelo ya u vhugudisi ha thekhisi;

(iii) malugana na u tandulula thaidzo na vhuṋe vhukati ha madzangano kana vhafari vha dziphemithi;

(iv) u laula tshumelo dza thekhisi dza zwibisana , hu tshi katelwa na, fhedzi hu sa fhungudzi kha, tshiimo tsha tshumelo, mbadelo, zwiendedzi zwi shumiswaho na vhareili henefho;

(v) u vhetshela u itela sisteme ya u nanguludzwa ha vhafari vha thendelo na vhareili;

(vi) u vhetshela u itela sisteme ya u redzhisṱariwa ha vhareili vho ḓidzhenisaho kha u ṋetshedza tshumelo dza lushaka lwa thekhisi dza zwibisana;

(vii) u laula mbetshelo, u langa na tshumiso ya rinngi na zwitannde;

(c) u ṱhoḓa mbadela ya masheleni na mitengo ya vhukuma i kwameaho ma malugana na -

(i) khumbelo ya u ṋewa, u vusuludzwa, khwiniso kana u fhiriswa ha thendelo;

(ii) khaṱhululo ifhio na ifhio yo vhetshelwaho u itela uyu Mulayo;

(iii) u ṋetshedzwa ha thendelo, zwiga zwi ṱalulaho kana liṅwe liṅwalo kana dubulikheithi henefho;

na u randela ṱhanganyelo ya masheleni eneo afhio na afhio, maimele ngauralo ane mutengo wo badelwaho nga nḓila yeneyo tshelede wa ḓo xelelwa kana wa badelwa woṱhe murahu kana tshipiḓa, tshipiḓa tsha mutengo wa u ḓo badelwa murahu na maimele ane nga khao mutengo wo badelwaho u nga, nga muhumbulo wa Bodo, xelelwa yoṱhe kana u badelwa yoṱhe kana tshipiḓa;

(d) u randelwa lwa sipeshala khombetshedzo ya u shumiswa ha

mulayo kana maga malugana na tshumelo dza lushaka lwa thekhisi dza zwibisana;

(e) u randelwa kana iṅwe nḓila i shumanaho na mafhungo afhio na afhio ane hu tshi tevhedzwa iṅwe mbetshelo ifhio na ifhio ya uyu Mulayo i ṱoḓea u vha kana i nga randelwa u vha kana nga iṅwe nḓila vhoyo shumaniwaho nayo nga ndaulo; na

(f) nga u angaredza u itela u bviselwa khagala ha idzi mbetshelo na ndivho dza uyu Mulayo.

(2) Ndaulo ifhio na ifhio yo itwaho fhasi ha khethekanyo ṱhukhu (1) i nga vhetshela zwauri muthu a pfukhaho mbetshelo ya zwenezwo kana a kundelwaho u tevhedzelana na zwenezwo, u ḓo vha na mulandu wa vhukhakhi na u vha na khwalo kha ovhonwa mulandu wa mulifho, kana u ya dzhele tshifhinga tshi sa fhiri miṅwaha miraru.

Milayo Yapo

61. (1) Masipala a nga ita milayo yapo ya -

(a) u laula vhuhulu, lushaka na nomboro ya zwiendedzi zwine zwi nga dzhena kha tshipiḓa tsho bulwaho tsha vhupo hatsho vhu re mulayoni na u ta tshifhinga kana zwifhinga zwine lushaka lwa tshiendedzi lu nga dzhena kha vhupo honoho vhufhio na vhufhio;

(b) u laula kana u thivhela vhudzheno ha lushaka lufhio na lufhio lwa tshiendedzi kha tshipiḓa tshenetsho tshifhinga tshifhio na tshifhio tsho bulwaho;

(c) u thivhela u ḽaisa kana u ḽaisulula ha zwiendedzi kha vhupo honoho vhufhio na vhufhio tshifhinga tshenstsho tshifhio na tshifhio kana zwifhinga, na u ta tshifhinga kana zwifhinga, hune u ḽaiswa honoho kana u tsitswa honoho ha nga itea;

(d) u laula vhuḓifari ha vhareili vha zwiendedzi zwi shumisaho tshumelo ya lushaka lwa thekhisi dza zwibisana ;

(e) u langa u shumiswa nga vhafari vha thendelo, vhareili na bada ifhio na ifhio ya nnyi na nnyi, nḓila, fhethu ha u namedza na u tsitsa, hu imiwaho hone, renkeni, zwitendeni, kha dzi theminala kana zwishumiswa zwa u fhirisa zwa vhanameli;

(f) u laula pfanelo na ndugelo dza vhanameli;

(g) u laula maitele a tsireledzo kha zwiendedzi zwa vhuendi ha nnyi na nnyi;

(h) u laula u hwalwa ha mihwalo na dziphukha kha zwiendedzi zwa vhuendi ha nnyi na nnyi;

(i) u laula kufarelwe na kudzudzanyelwe kwa thundu yo xelaho; na

(j) u laula na u langa mbetshelo na u shumiswa ha renke dza dzithekhisi.

(2) Milayo yapo ifhio na ifhio yo itwaho fhasi ha iyi khethekanyo i nga vhetshela zwauri muthu a pfukhaho mbetshelo dzayo kana a kundelwaho u tevhedza zwenezwo, o vhonwa mulandu a do vha na khwalo ya ndaṱiso, kana u valelwa tshifhinga tshi sa fhiriho miṅwaha miraru.

Gwama

62. Tshelede dzoṱhe dzo ṱanganedzwaho nga Bodo, Khoro kana Muredzhisṱara fhasi ha uyu Mulayo, hu tshi katelwa ndifho na ndaṱiso, zwi ḓo badelwa kha Tshikwama tsha Vhuendi ha Ḓoroboni tsha Vundu, nahone zwibviswa zwoṱhe zwo katelwaho kha ndaulo ya uyu Mulayo zwi tea u badelwa u bva kha izwo Zwikwama: Tenda ha vha uri zwibviswa zwoṱhe zwo shumiswaho malugana na u itiwa ha mishumo yo laedzwaho nga ofisi, zwi tea u badelwa nga mutholi wa ofisi i tshimbilelanaho na zwenezwo.

U phumulwa ha milayo, na mbulungo

63. (1) Khethekanyo 4, 5, 6, 7, 8, 9, 10, na 12 (2) dza Mulayo wa Vhuendedzi ha Badani, 1977, dzi khou phumulwa.

(2) Kha u thomiwa ha uyu Mulayo ndaka dzoṱhe, milandu, pfanelo dza u thomiwa ha bodo dza vhuendedzi ha bada dzapo fhasi ha Mulayo wa Vhuendedzi wa Bada, 1977, u ḓo wanala kha Bodo.

(3) Hu tshi tevhedzwa uyu Mulayo, u vhewa hufhio na hufhio, khweso, tsheo, ndaulo, ndivhadzo, vhulaedzwa, thendelo, u tendela, sia, ndaela, u imiswa, u ta, kana maimele o ṋetshedzwaho, ṋewa, tendelwa, ita, kana u tea fhasi ha mbetshelo ifhio na ifhio ya Mulayo wa Vhuendedzi ha Badani, 1977, kana milayo i fanaho, i ḓo dzhiwa na u fariwa sa u vha yo ṋetshedzwa, ṋewa, itiwa kana u tewa fhasi ha nyanḓano dza mbetshelo ya uyu Mulayo nga muthu kana mushumi a konaho hu tshi tevhedzwa uyu Mulayo u ita ngauralo.

M (4) Khumbelo ifhio na ifhio u itela u bviswa kana u ṋetshedzwa ha thendelo malugana na tshumelo dza lushaka lwa thekhisi dza zwibisana hu tshi tevhedzwa Mulayo wa Vhuendedzi ha Badani, 1977, kana mulayo u fanaho nawo, ye i si shandukiswe mathomoni a uyu

Mulayo i ḓo dzhiwa i khumbelo fhasi ha uyu Mulayo u itela u n̈etshedzwa kana u n̈ewa ha thendelo yo fanelaho.

(5) U buliwa hufhio na hufhio kha "bodo" kana "bodo ya vhuendi ha bada dzapo" kana "muingameli" kha Mulayo wa Vhuendedzi ha Badani, 1977, hu tea u ṱalutswa sa mbambedzo kha Bodo kana muingameli, zwoṱhe.

Dzina l̈ipfufhi na mathomo

64. (1) Mulayo uyu u vhidzwa u pfi Mulayo wa Vhuendi wa Vhanameli wa Tshifhinganyana wa Vundu l̈a Devhula, 1999, nahone u ḓo thoma u shuma, nga datumu yo tiwaho nga Muraḓo wa Khorotshitumbe nga nḓivhadzo kha Gazethe ya Vundu.

(2) Datumu dzo fhambanaho dzi nga tiwa nga u ralo malugana na mbe-tshelo dzo fhambanaho dza uyu Mulayo, nahone datumu dzo tiwaho nga u ralo dzi nga fhambana malugana na vhupo ho fhambanaho kha Vundu.

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