

NORTHERN PROVINCE
NOORDELIKE PROVINSIE
XIFUNDZANKULU XA N'WALUNGU
PROFENSE YA LEOBA
VUNDU LA DE VHULA

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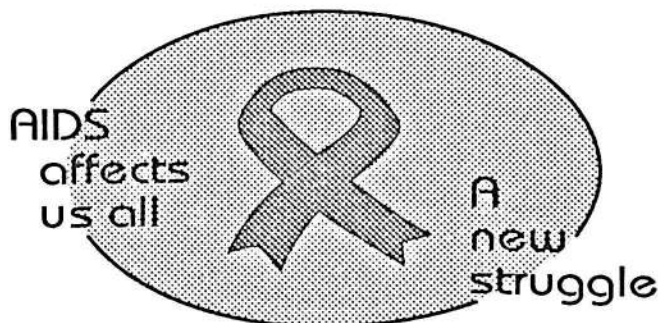
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DEPARTMENT OF HEALTH

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**NORTHERN PROVINCE ROADS AGENCY
LIMITED AND PROVINCIAL ROADS
AMENDMENT BILL, 2001**

GENERAL NOTICE

NOTICE 93 OF 2001

NORTHERN PROVINCE ROADS AGENCY LIMITED AND PROVINCIAL ROADS AMENDMENT BILL, 2001

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To amend the Northern Province Roads Agency and Provincial Roads Act, 1998, so as to provide for the amendment and insertion of certain definitions; the application of the Companies Act, 1973, to the Northern Province Roads Agency; the changing of the Northern Province Roads Agency from public to private company; the amendment of the short title; and to provide for incidental matters.

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

Amendment of section 1 of Act 7 of 1998

1. Section 1 of the Northern Province Roads Agency and Provincial Roads Act, 1998 (Act No. 7 of 1998), (hereinafter referred to as "the principal Act") is hereby amended -

- (a) by the substitution for the definition of "Department" of the following definition:

"Department" means the [Northern Province Department of Public Works] department responsible for Public Works in the Province;";

- (b) by the substitution for the definition of "municipality" of the following definition:

"municipality" means any municipality as contemplated in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);";

- (c) by the substitution for the definition of "Premier" of the following definition:

"Premier" means the Premier of the [Northern] Province;";

- (d) by the insertion after the definition of "previous Ordinance" of the following definitions:

"Province" means the Northern Province as contemplated in section 103(1)(a) of the Constitution;

"Provincial Government" means the government of the Province;

Amendment of section 2 of Act 7 of 1998

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) ~~There will be a provincial roads agency for the~~ [Northern] Province for the purpose of taking charge of the financing, management, control, planning, development, maintenance and rehabilitation of the provincial roads system.”

Amendment of section 3 of Act 7 of 1998

3. Section 3 of the principal Act is hereby amended -

(a) by the substitution for subsection (1) of the following subsection:

“(1) The responsible Member must take all the steps that are necessary for the formation and incorporation of that agency as a [public] private company with a share capital within the meaning of the Companies Act, subject to section 2, this section and section 4.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) ~~[Despite the provisions of the Companies Act]~~ Subject to any other provision of this Act, the state will be the only member and shareholder of that company upon its incorporation and at any time thereafter.”;

(c) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) the Registrar of companies must register the memorandum of association and articles of association, as signed by the responsible Member, and incorporate the company as a [public] private company under the name “The Northern Province Roads Agency Proprietary Limited” with the [State] Provincial Government as its only member and shareholder, and issue to the company a certificate to commence with effect from the date of the company’s incorporation.”;

(d) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) The [State’s] Provincial Government’s rights as member and shareholder of the Agency are to be exercised by the responsible Member.”;

- (c) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) The relationship between the Agency and the responsible Member representing the [State] Provincial Government as the only member and shareholder, will be as defined in an agreement entered into by the agency and the responsible Member for that purpose, subject to this Act.”.

Substitution of section 5 of Act 7 of 1998

4. The following section is substituted for section 5 of the principal Act:

“5. Application of Companies Act to Agency.—The provisions of the Companies Act are, unless otherwise stated elsewhere in this Act, applicable to the Agency.”.

Deletion of section 6 of Act 7 of 1998

5. Section 6 of the principal Act is hereby deleted.

Amendment of section 7 of Act 7 of 1998

6. Section 7 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) The responsible Member may, by notice in the *Provincial Gazette*, declare that any movable or immovable property belonging to and under the control of the [State] Provincial Government for the purpose of the previous Ordinance and which is specified in the notice, except any immovable property mentioned in subsection (2)(b), will pass to and vest in the Agency on the date mentioned in the notice.”;

- (b) by the substitution for the words immediately preceding paragraph (a) of subsection 6 of the following words:

“(6) Where the ownership in any particular immovable property of the [State] Provincial Government has passed to and become vested in the Agency in terms of subsection (4), the Registrar of Deeds, upon being furnished with the notice that has been issued in respect of that immovable property in terms of that subsection, must —“;

- (c) by the substitution for subparagraph (b)(ii) of subsection 6 of the following subparagraph:

“(ii) where applicable, issue a deed of grant or title deed in the name of the Agency in order to register the Agency's title to that property.”.

Amendment of section 8 of Act 7 of 1998

7. Section 8 of the principal Act is hereby amended-

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

“(1) In exchange for the nett value of the assets invested in the Agency in terms of section 7, the [State] Provincial Government, as provided in an agreement entered into by the Agency and the responsible Member acting with the approval of the Member of the Executive Council [for Finance] responsible for financial matters in the Province, will be issued with fully paid-up shares in the Agency -”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) If the amount for which shares in the Agency are to be issued to the [State] Provincial Government in terms of subsection (1), is less than the nett value of the assets invested in the Agency -

- (a) the Agency will be indebted to the [State] Provincial Government for an amount equal to the difference between the nett value of the assets so invested and the value of the shares so issued;
- (b) the terms and conditions of that loan must be set out in the agreement mentioned in subsection (1); and
- (c) in that agreement provision may be made that the Agency issues the [State] Provincial Government with debentures for the whole or any part of the amount of the loan.”.

Amendment of section 12 of Act 7 of 1998

8. Section 12 of the principal Act is hereby amended -

- (a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) one must be a representative of the [Northern Province Department of Finance who has been] Department responsible for financial matters in the Province, who must be nominated by that Department; and;”;

- (b) by the insertion immediately after paragraph (a) of subsection (3) of the following paragraphs:

“(aA) one must be a representative of the Department responsible for transport matters in the Province, who must be nominated by that Department, and

(aB) one must be a representative of the Department responsible for Public Works in the Province, who must be nominated by that Department, and;”;

- (c) by the substitution for paragraph (d) of subsection (3) of the following paragraph:

“(d) [five] three be persons having special qualifications, skill, expertise or experience in matters concerning provincial roads or the business or operations of the Agency.”.

- (d) by the substitution for subsection (5) of the following subsection:

“(5) In applying the Companies Act to the Agency, the Chief Executive Officer will be regarded and treated as the Agency’s managing director and the other members of the Board as directors.”;

Amendment of section 13 of Act 7 of 1998

9. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) However, an appointed member holding a post or office in or under such a department, administration or organisational component may, with the permission of that member’s employer and the Member of the Executive Council [for Finance] responsible for financial matters in the Province, be paid an honorarium for services rendered as member of the Board, which honorarium will be determined by the responsible Member with the agreement of the Member of the Executive Council [for Finance] responsible for financial matters in the Province.”.

Amendment of section 14 of Act 7 of 1998

10. Section 14 of the principal Act is hereby amended -

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) in the case of a member [representing the Northern Province Department of Finance] referred to in paragraphs (3)(a), (3)(aA), (3)(aB) of section 12, when [that] the relevant Department has requested the responsible Member in writing to substitute another representative for its serving representative on the Board.”;

- (b) by the insertion in subsection (2) after paragraph (d) of the following paragraph:

“(c) if the responsible Member deems the removal of such member expedient.”.

(c) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) A vacancy in the office of an appointed member must be filled by the responsible Member [of the Executive Council], as soon as possible, through the appointment of another member who meets the requirements stipulated in section 12(3) for the office that has become vacant.”.

Amendment of section 32 of Act 7 of 1998

11. Section 32 of the principal Act is hereby amended by the substitution for subparagraph (ii) of subsection (3)(b) of the following subparagraph:

“(ii) the [State] Provincial Government bears the cost of the project and makes the necessary funds available to the Agency for that purpose.”.

Amendment of section 33 of Act 7 of 1998

12. Section 33 of the principal Act is hereby amended -

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) The [Province] Provincial Government, represented by the responsible Member, may grant loans to the Agency from moneys made available by the Legislature for that purpose.”;

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) The Agency will pay interest on such a loan at a rate determined by the responsible Member acting with the agreement of the Member of the Executive Council [for Finance] responsible for financial matters in the Province, and must repay the loan in the instalments and within the period determined by the responsible Member so acting.”;

(c) by the substitution for subsection (2) of the following subsection:

“(2)(a) The Agency, only with the written permission of the responsible Member granted with the written agreement of the Member of the Executive Council [for Finance] responsible for financial matters in the Province and written agreement of the National Minister of Finance, may raise loans from any other source to finance any expenditure that may be incurred by the Agency during any financial year for the purposes of the planning, design, construction, maintenance or rehabilitation of any provincial road.

(b) The permission may be granted subject to any conditions determined by the responsible Member acting with the agreement of the Member of the Executive Council [for Finance] responsible for financial matters in the Province.”;

(d) by the substitution for subsection (3) of the following subsection:

“(3) The [Province] Provincial Government, represented by the responsible Member acting with the written agreement of the Member of the Executive Council [for Finance] responsible for financial matters in the Province and National Minister of Finance may guarantee any loan raised by the Agency in terms of subsection (2).”.

Amendment of section 34 of Act 7 of 1998

13. Section 34 of the principal Act is hereby amended by the substitution for the words immediately preceding paragraph (a) of subsection (1) of the following words:

“(1) The Agency is ~~dependent~~ on funding from the [Northern Province Government] Provincial Government for those roads that are not self financing and in addition the Agency is funded and provided with capital from –”.

Amendment of section 35 of Act 7 of 1998

14. Section 35 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Any business and financial plan and strategic plan must be made known by the Agency by having it published in the *Provincial Gazette*, but, if satisfied that in the circumstances the interests of the public require that greater prominence be given to such a plan, the responsible Member may order the further publication of the plan, at the expense of the [State] Provincial Government, in one or more newspapers with a nation-wide circulation.”.

Substitution of section 39 of Act 7 of 1998

15. The following section is hereby substituted for section 39 of the principal Act:

“39. Provincial Roads Policy.- (1) The [Government's] Provincial Government's policy with regard to provincial roads must be made known from time to time by the responsible Member by notice in the *Provincial Gazette*. The notice must state, amongst others -

- (a) the goals with regard to provincial roads which the [government] Provincial Government wants to achieve; and
- (b) the policy objectives to be followed so that those goals may be achieved.

(2) Whenever any proposals relevant to determining or amending the provincial roads policy is to be considered and decided by [government] Provincial Government, the responsible Member of the Executive Council by notice published in the *Provincial Gazette* must make known those proposals and in that notice invite any interested persons and the public to comment on the proposals and make representations with regard thereto.

(3) The Agency must determine its business and financial plan and strategic plan and the standards and criteria for road design and construction and for road safety within the framework of the provincial roads policy as determined by [government] Provincial Government and published in terms of subsection (1).

Amendment of section 71 of Act 7 of 1998

16. Section 71 of the principal Act is hereby amended -

(a) by the substitution for subsection (2) of the following subsection:

“(2) Except where any other provision is made by this Act or in any agreement entered into by the responsible Member and the Agency and published in terms of section 7(3), and subject to subsection (3) of this section, the Agency will be the legal successor of the Department or the [State] Provincial Government with regard to, and must be substituted for the [Northern Province Department of Public Works] Department or the [State] Provincial Government in, any contract or agreement entered into with any person before the incorporation date by or on behalf of the Department (including an agreement with a municipality or the Premier of another province), or by or on behalf of the responsible Member representing the [State] Provincial Government (as the case may be), if—

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(3)(a) Unless any other provision has been made in an agreement entered into by the responsible Member and the Agency and published in terms of section 7(3) [—

(i)] any legal proceedings entailing a contractual or delictual claim founded on a cause of action which arose before the incorporation date, [relates to or arises] relating to or arising from the financing, construction, operation, management, control, maintenance or rehabilitation of a provincial road under the previous Ordinance and which is brought after the incorporation date, must be instituted by or against the [State] Provincial Government as represented by the responsible Member.”.

Substitution of section 72 of Act 7 of 1998

17. The following section is substituted for section 72 of the principal Act:

“72. Act binds the [state] Provincial Government.—This Act binds the [State] Provincial Government.”.

Substitution of section 73 of Act 7 of 1998

18. The following section is substituted for section 73 of the principal Act:

“73. Short title.—(1) This Act is called the Northern Province Roads Agency Proprietary Limited and Provincial Roads Act, 1998.”.

Short title

19. This Act is called the Northern Province Roads Agency Limited and Provincial Roads Amendment Act, 2001.

EXPLANATORY MEMORANDUM ON THE OBJECTS OF THE NORTHERN PROVINCE ROADS AGENCY LIMITED AND PROVINCIAL ROADS AMENDMENT BILL, 2001.

BACKGROUND

The Northern Province Legislature established the Northern Province Roads Agency (NPRA) through the Northern Province Roads Agency Limited and Provincial Roads Act, 1998 (Act No. 7 of 1998) ("the Act") which was passed on 12 November 1998, and which was assented to by the Premier on 7 January 1999. The Act was duly published in the Provincial Gazette Extraordinary No. 398 on 23 March 1999.

The Act makes provision for the registration or incorporation of the NPRA as a public company. In terms of the Act in its current form, the NPRA will be established upon being incorporated as a public company with the Provincial Government as the sole shareholder, notwithstanding the requirements of the Companies Act which state that at least seven persons must be the shareholders of a public company. Consequently, difficulties have been experienced with the registration of the NPRA, due to the said conflict between the Act and the Companies Act. The solution to the problem is to amend the Act to enable the NPRA to be registered as a private company with a single shareholder. Clause 3 of the Bill, which amends section 3 of the Act, seeks to address the above-mentioned situation.

The Companies Act makes provision for the registration of a single member in respect of a private company with a share capital. It also provides that a private company can be incorporated with only one subscriber. The Provincial Government as a juristic person can therefore be the sole member and the subscriber of the private company.

The Act in its current form makes provision for a representative of the Department of Finance to be a Board member but does not recognize the important role which the Department of Public Works and the Department of Transport should play as interested stakeholders. Clause 8 of the Bill seeks to address the situation by amending the Act so that it can accommodate representatives of the said Departments on the Board.

The Bill inserts certain definitions in the Act in order to enhance clarity. Certain other consequential amendments are made to the existing definitions as a result of the repeal of certain other legislation such as the Local Government Transition Act, 1993.

Lastly, the Bill incorporates a number of cosmetic amendments to the Act, in order to enhance certainty thereof.

FINANCIAL IMPLICATIONS

None.

CONSTITUTIONAL IMPLICATIONS

None.

ORGANISATIONAL AND HUMAN RESOURCE IMPLICATIONS

None.

COMMUNICATION IMPLICATIONS

None

PARTIES / STAKEHOLDERS CONSULTED

Department of Public Works.

Department of Transport.

Department of Finance.

The State Law Advisers.

CLAUSE BY CLAUSE ANALYSIS

Clause 1

This clause deals with definitions.

Clause 2

In this clause the word "northern" has been deleted since the word "Province" has been defined already to mean Northern Province.

Clause 3

This clause alters the nature of the company from public to private company by replacing the word "public" with the word "private". The clause further makes the state the sole shareholder subject to other provisions of the Act.

The clause further adds the word "proprietary" in line with the Companies Act, to distinguish the private company from a public one. The word "State" has also been replaced by the word "Provincial Government" to make it certain that it is not the entire State that is a member of the NPRA but the Provincial Government.

Clause 4

This clause confirms that the Agency is in addition to the provisions of this Act, also bound by the Companies Act.

Clause 5

This clause deletes the provisions of section 6.

Clause 6

This clause contains consequential changes.

Clause 7

Clause 7 contains consequential changes.

Clause 8

This clause incorporates representatives of the Departments of Transport and Public Works in the Agency.

Clause 9

This clause contains a reconstruction of the wording to enhance clarity.

Clause 10

This clause seeks to include the newly incorporated Departments in the cross-reference. This clause further makes it possible for the MEC to remove members for any good reason.

Clause 11 - 18

Consequential amendments.

Clause 19

Short title.

NOTICE 93 OF 2001

Nawumbisi wo Hundzuluxa wa Vuyimeri bya Mapatu lebyi Pimiweke wa Xifundzankulu xa N'walungu na Mapatu ya Xifundzankulu, 2001

NHLAMUSELO HI KU ANGARHELA

[] Marito lama ya nga thayipiwa hi ku tikisa endzeni ka swiangi ya kombisa leswaku ya tshikiwa eka leswi swi nga kona.

_____ Marito lama ya khwatihatiweke hi layini ya kombisa leswaku ya ngenisiwa eka leswi swi nga kona.

Wo hundzuluxa Nawu wa Vuyimeri bya Mapatu wa Xifundzankulu na Mapatu ya Xifundzankulu xa N'walungu, 1998, ku endlela ku endla makungu yo hundzuluxa na ku ngenisiwa ka tihlamuselo tin'wana, ku tirhisiwa ka Nawu wa Tikhamphani, 1973, eka Vuyimeri bya Mapatu bya Xifundzankulu xa N'walungu; ku ncinciwa ka Vuyimeri bya Mapatu bya Xifundzankulu xa N'walungu ku suka eka ku va bya tiko byi va Khamphani ya phurayivhete; ku hundzuluxiwa ka nhlokomhaka hi ku komisa na ku endla makungu ya timhaka leti ti fambelanaka ta tona.

Mfumo wa Milawu wa Xifundzankulu WU VEKA NAWU hi ndlela leyi landzelaka:-

Ku hundzuluxiwa ka xiyenge xa 1 xa Nawu wa 7 wa 1998

1. Xiyenge xa 1 xa Nawu wa Vuyimeri bya Mapatu wa Xifundzankulu na Mapatu ya Xifundzankulu, 1998 (Nawu wa No. 7 wa 1998), (laha endzhaku wuta vuriwa tani hi "Nawunkulu") wa hundzuluxiwa-

(a) hi ku siviwa ka nhlamuselo ya "Ndzawulo" ya nhlamuselo leyi landzelaka:

"Ndzawulo" ri vula [Ndzawulo ya Mintirho ya Mani na Mani ya Xifundzankulu xa N'walungu] ndzawulo leyi vi nga ni vutihlamuleri eka Mintirho ya Mani na Mani ya Xifundzankulu

(b) hi ku siviwa ka nhlamuselo ya "masipala" ya nhlamuselo leyi landzelaka:

"masipala" ri vula masipala wihi ni wihi tani hileswi languteriwaka eka Mfumo wa Ndhawu: Nawu wa Swivumbeko swa Masipala, 1998 (Nawu wa No. 117 wa 1998);

(c) hi ku siviwa ka nhlamuselo ya "Holobyenkulu" hi nhlamuselo leyi landzelaka:

“Holobyenkulu” ri vula Holobyenkulu wa Xifundzankulu xa [N’walungu]”

- (d) hi ku ngenisiwa endzhaku ka nhlamuselo ya “Nawu lowu hundzeke” ya tinhlamuselo leti landzelaka:

“Xifundzankulu” ri vula Xifundzankulu xa N’walungu tani hilaha swi languteriwaka eka xivenge xa 103 (1) (g) xa Vumbiwa:

“Mfumo wa Xifundzankulu” swi vula mfumo wa Xifundzankulu:

Ku hundzuluxiwa ka xiyenge xa 2 xa Nawu wa 7 wa 1998

2. Xiyenge xa 2 xa Nawunkulu xa hundzuluxiwa hi ku siviwa ka xiyengenyana xa (1) xa xiyengenyana lexi landzelaka:

“(1) Ku ta va ni vuyimeri bya mapatu ya Xifundzankulu xa [N’walungu] ku endlela makungu ya ku teka vufambisi bya timali, mafambisele, ku lawula, ku pulana, ku hlukisa, ku hlayisa ni mpfuxo wa sisiteme ya mapatu ya xifundzankulu.

Ku hundzuluxiwa ka xiyenge xa 3 xa Nawu wa 7 wa 1998

3. Xiyenge xa 3 xa Nawunkulu xa hundzuluxiwa-

- (a) Hi ku siviwa ka xiyengenyana xa (1) xa xiyengenyana lexi landzelaka:

“(1) Xirho lexi nga ni vutihlamuleri xi fanele ku teka magoza lama faneleke ya ku endla ni ku katsakanya vuyimeri lebyiya tani hi khamphani ya [mani na mani] phuravivhete leyi nga ni nkavelonkulu endzeni ka nhlamuselo ya Nawu wa Tikhamphani, ku ya hi xiyenge xa 2, xiyenge lexi na xiyenge xa 4.

- (b) Hi ku siviwa ka xiyengenyana xa (2) xa xiyengenyana lexi landzelaka:

“(2) [Hambileswi makungu ya Nawu wa Tikhamphani] Ku va hi makungu wahi ni wahi man’wana va Nawu lowu, [mfumo] Mfumo wa Xifundzankulu wu ta va xirho wu ri woxe na mukhomi wa nkavelo wa khamphani liya eku katsiweni ka yona ni le ka nkarhi wihi ni wihi ku suka kwalaho;.

- (c) Hi ku siviwa ka ndzimana ya (b) ya xiyengenyana xa (3) xa Ndzimana leyi landzelaka:

- “(b) Murhijistari wa Tikhamphani u fanele ku rhijistara memorandamu ya nhlango na matsalwa ya nhlango. tani hilaha ya nga ta va ya sayiniwile hi Xirho lexi nga ni vutihlamuleri, na ku katsakanya khamphani tani [hi khamphani ya mani na mani] ya phuravivhete leyi nga ta tiveka hi “The Northern Province Roads Agency Proprietary Limited”” loko [Mfumo] Mfumo wa Xifundzankulu wu ta va xirho xi ri xoxe na mukhomi wa nkavelo, na ku humesa xitifikhethi a nyika khampani yi sungula bindzu ku suka hi siku leri khampani yi nga ta katsiwa.
- (d) hi ku siviwa ka ndzimana ya (a) ya xiyengenyana xa (4) hi ndzimana leyi landzelaka:
- “(a) Timfanelo ta [Mfumo] Mfumo wa Xifundzankulu tani hi xirho na mukhomi wa nkavelo wa Vuyimeri ti ta endlwa hi Xirho lexi nga ni vutihlamuleri.
- (e) hi ku siviwa ka ndzimana ya (b) ya xiyengenyana xa (4) xa ndzimana leyi landzelaka
- “(b) Vuxaka exikarhi ka Vuyimeri na Xirho lexi nga ni vutihlamuleri xi yimelaka [Mfumo] Mfumo wa Xifundzankulu tani hi xirho wu ri woxe na mukhomi wa nkavelo, swi ta tanihi leswi swi hlamuseriweke eka mpfumelelano lowu nga ngheneriwa hi Vuyimeri na Xirho lexi nga ni vutihlamuleri bya xikongomelo xexo, hi ku landza Nawu lowu.”

Ku siviwa ka xiyenge xa 5 xa Nawu wa 1998

4. Xiyenge lexi landzelaka xi siveriwa hi xiyenge xa 5 xa nawu wa 7 wa 1998

“5 Ku tirha ka Nawu wa Tikhamphani eka Vuyimeri- Makungu ya Nawu wa Tikhaphani ya, handle kaloko ya kombisiwile kun'wana eka nawu lowu, tirha eka Vuyimeri

Ku suriwa ka xiyenge xa 6 xa Nawu wa 7 wa 1998

5. Xiyenge xa 6 xa Nawunkulu xa susiwa.

Ku hundzuluxiwa ka xiyenge xa 7 xa Nawu wa 7 wa 1998

6. Xiyenge xa 7 xa Nawunkulu xa hundzuluxiwa-

(a) hi ku siviwa ka ndzimana ya (a) ya xiyengenyana xa (4) xa ndzimana leyi landzelaka:

“(a) Xirho lexi nga ni vutihlamuleir xi nga ha. hi xitiviso eka *Gazete ya Xifundzankulu*, tivisa leswaku rifuwo ro famba fambiseka kumbe ro ka yi nga famba fambiseki leri ri nga ra na ku va ri lawuriwa hi [Mfumo] Mfumo wa Xifundzankulu hi swikongomelo swa Nawu lowu nga hundza naswona lowu tivisiweke eka xitiviso. handle ka rifuwo rihi ni rihi ro ka ri nga famba fambiseki leri vuriwaka eka xiyengenyana xa (2)(b). yi fanele ku nyiketiwa eka ni nyiketiwa eka Vuyimeri hi siku leri vuriwaka eka xitiviso.”

(b) hi ku siviwa ka marito xikan'we lama ya yaka eka ndzimana leyi landzelaka ya (a) ya xiyengenyana xa 6 xa marito lama landzelaka:

“(6) Laha vun'winyi eka rifuwo rihi ni rihi ro karhi ro ka ri nga famba fambiseki ra [Mfumo] Mfumo wa Xifundzankulu byi nga hundziseriwa eka kumbe byi nga nyiketiwa Vuyimeri hi ku landza xiyengenyana xa (4), Murhijistari wa Vun'winyi, endzhaku ko nyiketiwa xitiviso lexi nga humesiwa hi tlehlo ra rifuwo leri ro ka ri nga famba fambiseki hi ku landza xiyengenyana lexiya. u fanele-

(c) hi ku siviwa ka ndzimananyana ya (b)(ii) ya xiyengenyana xa 6 xa ndzimananyana leyi landzelaka:

“(ii) laha swi endlekaka, nyiketa vun'winyi kumbe tsalwa ro kombisa vun'winyi hi vito ra Vuyimeri ku endlela ku rhijistara vito ra Vuyimeri eka rifuwo rolero”.

Ku hundzuluxiwa ka xiyenge xa 8 xa Nawu wa 7 xa 1998

7. Xiyenge xa 3 xa Nawunkulu xa hundzuluxiwa-

(a) hi ku siviwa ka marito eka ndzimana leyi hundzekela ya (a) ya xiyengenyana xa (1) hi marito lama landzelaka:

“(1) Eka ku cincana ka nkoka wa nete wa rifuwo leri vekisiweke eka vuyimeri hi ku landza xiyenge xa 7, [Mfumo] Mfumo wa Xifundzankulu, tani hilaha swi vekiweke eka ntwanano lowu wu nga ngheneriwa hi Vuyimeri na Xirho lexi nga ni vutihlamuleri lexi khomelaka hi ku pfumeleriwa hi Xirho xa

Huvonkulu [xa Timali] lexi xi nga ni vutihlamuleri eka timhaka ta timali eka Xifundzankulu, ku fanele ku humesiwa na nkavelo lowu nga hakeriwa wu hela eka Vuyimeri-;

(b) hi ku siviwa ka xiyengenyana xa (2) xa xiyengenyana lexi landzelaka:

“(2) Loko ntsengo lowu ha wona minkavelo eka Vuyimeri yi faneleke ku nyiketiwa eka [Mfumo] Mfumo wa Xifundzankulu hi ku landza xiyengenyana xa (1), yi ri yi ntsongo eka nkoka wa nete wa rifuwo leyi vekiweke eka Vuyimeri-

- (a) Vuyimeri va fanele ku kolota [Mfumo] Mfumo wa Xifundzankulu mali ntsengo lowu ringanaka ni ku hambana exikarhi ka nkoka wa nete wa rifuwo leri nga vekisiwa na nkoka wa minkavelo leyi nyikiweke;
- (b) Nkarhi na swipimelo swa xikweleti swi fanele ku andlariwa eka mpfumelelano lowu vuriwaka eka xiyengenyana xa (1), na
- (c) leswaku eka ntwanano walowo kungu ri nga ha endliwa leswaku vayimeri va nyiketa [Mfumo] Mfumo wa Xifundzankulu tidibench a ta hinkwawo kumbe xiphemu xihi ni xihi xa ntsengo wa xikweleti.

Ku hundzuluxa xiyenge xa 12 xa Nawu wa 7 wa 1998

8. Xiyenge xa 12 xa Nawunkulu wo hundzuluxa

(a) hi ku siviwa hi xiyengenyana xa (2) hi xiyengenyana lexi landzelaka:

“(2) Huvo yi na swirho swa [nhungu] khume leswi eka swona [nkombo] nkaye swi fanelaka ku hlawuriwa hi Xirho lexi xi nga ni vutihlamuleri naswona loyi wa [vunhungu] khume loyi anga mutirhi-nkulu, hi matimba ya ku khoma hofisi yoleyo.”,

(b) hi ku siviwa hi marito lama ya nga eka ndzimana leyi landzelaka (a) eka xiyengenyana xa (3) hi marito lama landzelaka:

“(3) Swirho leswi swi faneleke ku hlawuriwa, I mutshami wa xitulu, loyi a faneleke ku va munhu loyi a ringana na ku va kahle eka hofisi yoleyo, na [tsevu] nhungu wa swirho swo engetela, leswi-

(c) hi ku siviwa hi ndzimana ya (a) hi xiyengenyana (3) xa ndzimana leyi landzelaka:

“(a) wun’we u fanele ku a ri muyimeri wa [Ndzawulo ya Timali ya Xifundzankulu xa N’walungu loyi a nga] Ndzawulo leyi vi nga ni

vutihlamuleri eka timhaka ta mali eka Xifundzankulu loyi a fanele a hlawuriwa hi Ndzawulo yoleyo; na

- (d) hi ku ngenisiwa xikan'we endzhaku ka ndzimana ya (a) ya xiyengenyana xa (3) xa tindzimana leti landzelaka:

“(uA) un'we u fanela ku va muyimeri wa Ndzawulo leyi yi nga na vutihlamuleri eka timhaka ta vutleketli eka Xifundzankulu, loyi a fanelaka ku hlawuriwa hi Ndzawulo yoleyo; na

(uB) un'we u fanela ku va muyimeri wa Ndzawulo leyi yi nga na vutihlamuleri eka Mintirho ya Tiko eka Xifundzankulu, loyi a fanelaka ku hlawuriwa hi Ndzawulo volevo; na

- (e) hi ku siviwa ka xiyengenyana xa (5) xa xiyengenyana lexi xi landzelaka:

“(5) Eku tirhiseni ka Nawu wa Tikhamphani eka Vuyimeri, Mutirhi-nkulu u ta tekiwa ni ku fundzhiwa tani hi Mufambisi wa Vuyimeri na swirho leswin'wana tani hi vafambisi va Bodo.”;

Ku hundzuluxiwa ka xiyenge xa 13 xa Nawu wa 7 wa 1998

9. Xiyenge xa 13 xa Nawunkulu xi hundzuluxiwa hi ku siviwa ka ndzimana ya (b) ya xiyengenyana xa (3) xa ndzimana leyi yi landzelaka:

“(b) Hambiswiritano, xirho lexi xi nga hlawuriwa lexi xi khomaka poso kumbe hofisi eka kumbe ehansi ka ndzawulo yo tano, vufambisi kumbe xiphemu xa vufambisi xi nga ha, hi mpfumelelo wa muthori wa xirho xexo na Xirho xa Huvonkulu [wa Timali], loyi a nga na vutihlamuleri eka timhaka ta timali eka Xifundzankulu. hakeleriwa vutirheli lebyi xi nga byi nyika eka Huvo, lebyi byi nga ta bohiwa hi Xirho lexi xi nga ni vutihlamuleri hi ku twanana na Xirho xa Huvonkulu wa Swatimali [wa Timali] loyi a nga na vutihlamuleri eka timhaka ta timali eka xifundzankulu.”.

Ku hundzuluxiwa ka xiyenge xa Nawu wa 7 wa 1998

10. Xiyenge xa 14 xa Nawunkulu xi hundzuluxiwa

(a) hi ku siviwa ka ndzimana ya (c) ya xiyengenyana xa (1) xa ndzimana leyi yi landzelaka:

“(c) hi mhaka ya xirho lexi [yimelaka Ndzawulo ya Timali ya

Xifundzankulu xa N'walungu, loyi ku kongomisiwaka eka vena eka tindzimana ta (3)(a), (3)(aA), (3)(aB) ta xivenge xa 12, loko ndzawulo leyi yi fambelanaka na swona yoleyo yi komberile Xirho lexi xi nga ni vutihlamuleri hi ku tsala ku siva muyimeri wa yona hi muyimeri un'wana eka Huvo."

- (a) hi ku siviwa ka ndzimana ya (a) ya xiyengenyana xa (3) xa ndzimana leyi yi landzelaka:

"(a) Xivandla xa ntirho ehofisini ya xirho lexi xi nga hlawuriwa xi fanela ku siviwa hi Xirho [xa Huvonkulu] lexi xi nga ni vitihlamuleri, hi xihatla lexi xi kotekaka, hi ku hlawuriwa ka xirho xin'wana lexi xi xi nga ni swilaveko leswi swi nga tsariwa eka siyenge xa 12(3) eka hofisi leyi yi nga va na xivandla.

Ku hundzuluxiwa ka xiyenge xa 32 xa Nawu wa 7 wa 1998

11. Xiyenge xa 32 xa Nawunkulu xi hundzuluxiwa hi ku siviwa ka ndzimananyana ya (ii) ya xiyenge xa (3)(b) xa ndzimananyana leyi yi landzelaka:

"(ii) [Mfumo] mfumo wa xifundzankulu, wu byara tihakelo ta projeke na ku endla vukona bya timali leti ti lavekaka eka Vuyimeri ku ta xikongomelo xexo."

Ku hundzuluxiwa ka xiyenge xa 33 xa Nawu wa 7 wa 1998

12. Xiyenge xa 33 xa Nawunkulu xi hundzuluxiwa—

- (a) hi ku siviwa ka ndzimana ya (a) ya xiyengenyana xa (1) xa ndzimana leyi yi landzelaka:

"(a) - [Xifundzankulu], Mfumo wa Xifundzankulu, lexi xi nga yimeriwa hi Xirho lexi xi nga ni vutihlamuleri, wu nga ha nyika swikweleti eka Vuyimeri ku suka eka timali leti ti nga nyikiwa hi Mfumo wa Milawu hi xikongomelo xexo."

- (b) hi ku siviwa ka ndzimana ya (b) ya xiyengenyana xa (1) xa ndzimana leyi yi landzelaka:

"(b) Vuyimeri byi ta hakela ntswalo eka xikweleti xo tano eka mpimo wa ntswalo lowu wu nga bohiwa hi Xirho lexi xi nga ni vutihlamuleri hi ku tirha hi ntwanano wa Xirho xa Huvonkulu [xa Timali] lexi xi nga na vutihlamuleri eka timhaka ta timali eka Xifundzankulu, naswona byi fanele

ku hakela xikweleti hi swiphemu naswona hi nkarhi lowu wu nga bohiwa hi Xirho lexi xi nga ni vutihlamuleri lexi xi tirhaka.”

(c) hi ku siviwa ka xiyengenyana xa (2) xa xiyengenyana lexi xi landzelaka:

“(2) (a) Vuyimeri, hi mpfumelelo wo tsariwa wa Xirho lexi xi nga ni vutihlamuleri lowu wu nga nyikiwa hi ntwanano wo tsariwa wa Xirho xa Huvonkulu [xa Timali] lexi xi nga na vutihlamuleri eka timhaka ta timali eka Xifundzankulu, na ntwanano wo tsariwa wa Holobyenkulu wa Tiko wa Timali byi nga ha endla xikweleti ku suka eka xihlovo xihhi ni xihhi xin’wana ku nyika mali yo hakela tihakelelo tihi ni tihi leti ti nga ha vangiwaka hi Vuyimeri hi nkarhi wa lembe ximali rihi ni rihi eka makungu ya ku pulana, khavisa, ku aka, ku hlayisa kumbe ku pfuxa patu rihi na rihi ra xifundzankulu.

(b) Mpumelelo wu nga ha nyikiwa ku ya hi swipimelo swihi ni swihi leswi swi nga bohiwa hi Xirho lexi xi nga na vutihlamuleri hi ntwanano wa Xirho xa Huvonkulu [xa Timali] lexi xi nga na vutihlamuleri eka timhaka ta timali eka Xifundzankulu.”;

(d) hi ku siviwa ka xiyengenyana xa (3) xa xiyengenyana lexi xi landzelaka:

“(3) [Xifundzankulu] Mfumo wa Xifundzankulu, hi ku yimeriwa hi Xirho lexi xi nga ni vutihlamuleri lexi xi tirhaka hi ntwanano wa Xirho xa Huvonkulu [xa Timali] lexi xi nga na vutihlamuleri eka timhaka ta timali eka Xifundzankulu, na Holobyenkulu wa Rixaka va nga ha tiyisisa xikweleti xihhi ni xihhi lexi xi nga endliwa hi Vuyimeri hi ku landza xiyengenyana xa (2).”

Ku hundzuluxiwa ka xiyenge xa 34 xa Nawu wa 1998

13. Xiyenge xa 34 xa Nawunkulu xi hundzuxiwa hi ku siviwa ka marito lawa ya taka emahlweni ka ndzimana ya (a) ya xiyengenyana xa (1) xa marito lawa ya landzelaka:

“(1) Vuyimeri byi tiseketela hi ku hakelela ka [Mfumo wa Xifundzankulu xa N’walungu] Mfumo wa Xifundzankulu ka mapatu lawaya ya nga tihakeleliki naswona hi ku engetela Vuyimeri byi hakeleriwa na ku nyikiwa ntsengo ku suka eka-”

Ku hundzuluxiwa ka xiyenge xa 35 xa Nawu wa 7 wa 1998

14. Xiyenge xa 35 xa Nawunkulu lowu xi hundzuluxiwa hi ku siviwa ka xiyengenyana xa (5) xa xiyengenyana lexi xi landzelaka:

“(5) Pulani yihi ni yihi ya ntirho na swatimali na pulani ya matirhele swi fanela ku tivisiwa hi Vuyimeri hi ku swi hangalasa eka *Gazete ya Xifundzankulu*, kambe, loko xi enetisiwile leswaku eka matshamele ya timhaka eka ku tsakela ka mani na mani swi lava leswaku vukulukumba byi nyikiwa eka pulani yo tano, Xirho lexi xi nga ni vutihlamuleri xi nga ha lerisa ku hangalasa ko yisa emahlweni ka pulani, hi ku haleriwa hi [Mfumo] Mfumo wa Xifundzankulu, eka phepha-hungu rin’we kumbe yo tala leri ri nga ni ndzhendzheleko wo eneta rixaka.”

Ku siviwa ka xiyenge xa 39 xa Nawu wa 7 wa 1998

15. Xiyenge lexi xi landzelaka xi siva xiyenge xa 39 xa Nawunkulu:

“39. Endlele ra Mapatu ya Xifundzankulu. (1) Endlelo ra [Mfumo] endlele ra Mfumo wa Xifundzankulu hi mayelana ni mapatu ri fanele ri tivisiwa nkarhi ni nkarhi hi Xirho lexi xi nga ni vutihlamuleri hi xitiviso eka *Gazete ya Xifundzankulu*. Xitiviso lexi xi fanele xi kombisa eka swin’wani-

- (a) Swikongomelo hi mayelana ni mapatu ya[mfumo] Mfumo wa Xifundzankulu leswi mfumo wu lavaka ku swi fikelela; na
- (b) swilaveko swa endlelo leswi swi faneleke swi landzeleriwa leswaku ku ta fikeleriwa swikongomelo.

(2) Loko ku ri ni nkunguhato lebyi byi faneleke eka ku boha kumbe ku hundzuluxiwa ka endlelo ra le patwini leri ri faneleke swi fanele swi kambisisiwa na ku va swibohiwa hi mfumo, Xirho lexi xi nga ni vutihlamuleri xa Huvonkulu hi xitiviso hi ku xi humesa eka *Gazete ya Xifundzankulu* xi fanele xi endla leswaku nkunguhato byebyo byi tiviwa

naswona eka xitiviso xexo a rhamba vanhu lava va nga ni ku tsakela na leswi vanhu va swi vulaka eka nkunguhatolebyi na ku nyika vuyimeri hi mayelana na swona.

(3) Vuyimeri byi fanele yi boha bindzu ra yona na pulani ya swatimali na pulani ya nkoka na swiyimo na endlelo ya nkhaviso na ku aka na vuhlayiseki epatwini eka ntirho wa endlelo ra mapatu ya xifundzankulu tani hileswi swi bohiweke hi [Mfumo] Mfumo wa Xifundzankulu na ku humesiwa hi ku landza xiyengenyana xa (1)."

Ku hundzuxiwa ka xiyenge xa 71 xa Nawu wa 7 wa 1998

16. Xiyenge xa 71 xa Nawunkulu xa hundzuluxiwa

(a) hi ku siviwa ka xiyengenyana xa (2) xa siyengenyana lexi xi landzelaka:

"(2) Handle ka laha kungu rihi ni rihi rin'wani leri ri endliwaka hi Nawu lowu kumbe ntwanano wihi ni wihi lowu fikeleriwaka hi Xirho lexi nga ni Vutihlamuleri na ku humesiwa hi ku landza xiyenge xa 7 (3) na hi ku ya hi xiyengenyana xa (3) xa xiyengelexi, Vuyimeri byi ta va ni muyimeri wa xinawu wa Ndzawulo kumbe [Mfumo] Mfumo wa Xifundzankulu hi ku naswona wu pfala [Ndzawulo ya Mintirho ya Tiko ya Xifundzankulu xa N'walungu] Ndzawulo kumbe [Mfumo] Mfumo wa Xifundzankulu eka kontiraka kumbe ntwanano lowu fikeleriwaka ni munhu munhu wihi ni wihi ku nga si fika siku leri ri vekiweke hi kumbe hi ku yimela Xifundza (ku katsa ntwanano ni masipala kumbe holobyenkulu wa xifundzankulu xin'wani kumbe ku yimela Xirho lexi xi nga ni vutihlamuleri lexi xi yimelaka Mfumo (tani hileswi mhaka yi nga va ka xiswona) loko-

"

(b) hi ku siviwa ka ndzimana ya (a) ya xiyengenyana xa (3) xa ndzimana leyi yi landzelaka:

“(3)(a) Handle kaloko kungu rihi ni rihi rin’wani leri endliweke eka ntwanano lowu wu fikeleriwaka hi Xirho lexi xi nga ni vutihlamuleri na ku va wu humesiwile hi ku landza xiyenge xa 7(3)[-

(i)]endlelo rihi ni rihi ra xinawu leri ri katsaka kleyimi ya kontiraka kumbe ku onhiwa ka nawu loku ku kumiwaka eka eka xivangelo xa ntirho lexi va ka kona ku nga si fika siku leri ri vekiweke yi katsaka kumbe yi suka eka timali, vuaki, tirhele, vufambisi, vulawuri, vuhlayisi kumbe vulunghisi bya patu ra xifundzankulu ehansi ka Nawu wa khale na lebyi byi tisiwaka endzhaku ka siku leri vekiweke yi fanele yi vekiwa hi eka [Mfumo] Mfumo wa Xifundzankulu tani hileswi wu yimelaka hi Xirho lexi xi nga ni vutihlamuleri.”

Ku siviwa ka xiyenge xa 72 xa Nawu wa 7 wa 1998

17.Xiyenge lexi xi landzelaka xi siviwa hi xiyenge xa 72 xa Nawunkulu lowu:

“72. Nawu lowu wu boha [mfumo] Mfumo wa Xifundzankulu.-
Nawu lowu wu boha [mfumo] Mfumo wa Xifundzankulu.”

Ku siviwa ka xiyenge xa 73 xa Nawu wa 7 wa 1998

18.Xiyenge lexi xi landzelaka xi siviwa hi xiyenge 73 xa Nawunkulu:

“73. Nhlokomhaka hi ku komisa-(1) Nawu lowu wu vitaniwa Nawu wa Xifundzankulu xa N’walungu wa Vuyimeri bya Mapatu Proprietary byo Pimiwa na Mapatu ya Xifundzankulu, 1998”

Nhlokomhaka hi ku komisa

19. Nawu lowu wu vitaniwa Nawu wo Hundzuluxa wa Xifundzankulu xa N’walungu wa Vuyimeri bya Mapatu byo Pimiwa na Mapatu ya Xifundzankulu, 2001.

NOTICE 93 OF 2001

MOLAOKAKANYWA-PHETOŠWA WA DITSELA TŠA PROFENSE LE
LEKALATIRELO LA DITSELA LE KGAOLETŠWEGO WA PROFENSE YA
LEBOA, 2001

DINTLHA TŠA TLHALOSO TŠA KAKARETŠO

[] Mantšu a a lego ka ditlhaka tše dikgolo ka mašakaneng a laetša ditlogelo go tšwa go melao ye e lego gona.

_____ Mantšu a a thaleletšwego ka mothalo wo mokoto a laetša ditsenywa mo go melao ye e lego gona.

Go fetoša Molao wa Ditsela tša Profense le Lekalatirelo la Ditsela wa Profense ya Leboa, 1998, go beakanyetša phetošo le tsenyo ya ditlhathollo tše itšego; tirišo ya Molao wa Dikhamphani, 1973, go Lekalatirelo la Ditsela la Profense ya Leboa; phetošo ya Lekalatirelo la Ditsela la Profense ya Leboa go tšwa go khamphani ya setšhaba go ya go praebete; phetošo ya thaetlele ye kopana; le go beakanyetša merero ye e amanago le tše.

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

Phetošo ya karolo 1 ya Molao wa 1998

1. Karolo ya 1 ya Molao wa Ditsela tša Profense le lekalatirelo la Ditsela wa Profense ya Leboa, 1998 (Molao 7 wa 1998), (yeo e bitšwago gore ke "Molaomogolo") ka go rialo e a fetošwa –
 - (a) ka kemalegato ya tlhathollo ya "Kgoro" ka tlhathollo ye e latelago:

"Kgoro" e šupa [Kgoro ya Mediro ya Sethaba ya Profense ya Leboa] kgoro yeo e ikarabelago go Mediro ya Setšhaba ka gare ga Profense:"
 - (b) ka kemalegato ya tlhathollo ya "masepala" ka tlhathollo ye e latelago:

"masepala" ke masepala ofe le ofe bjalo ka ge go ukangwa ka go Mmušo-Selegae: Molao wa Dibopego tša Masepala, 1998 (Molao 117 wa 1998);"
 - (c) ka kemalegato ya tlhathollo ya "Tonakgolo" ka tlhathollo ye e latelago:

"Tonakgolo" e šupa Tonakgolo ya Profense ya [Leboa];"
 - (d) ka go tsenya morago ga tlhathollo ya "Molawana wa pele" wa ditlhathollo tše di latelago:

“Profense” e ra gore Profense ya Leboa bjalo ka ge go ukangwa ka go karolo 103(1)(g) ya Molaotheo.”;

“Mmušo wa Profense” e ra gore mmušo wa Profense.”

Phetošo ya karolo 2 ya Molao 7 ya 1998

2. Karolo 2 ya Molaomogolo ka go rialo e fetošwa ka go engwa legato ke karolwana (1) ya karolwana ye e latelago:

“(1) Go tla ba le lekalatirelo la ditsela tša profense la Profense ya [Leboa] ka maikemišetšo a go hlokomela kabo ya matlotlo, taolo, peakanyo, tlhabollo, tlhokomelo le tsošološo ya tshepedišo ya ditsela tša profense.”

Phetošo ya karolo 3 ya Molao 7 wa 1998

3. Karolo 3 ya Molaomogolo ka go rialo e a fetošwa –

- (a) ka kemalegato ya karolwana (1) ya karolwana ye e latelago:

“(1) Leloko le le ikarabelago le swanetše go tšea magato ka moka ao a lego maleba go hlama le go akaretša lekalatirelo leo bjalo ka khampani ya [setšhaba] praebete la go ba le kabelo ya ditšhelete ka go tlhaloso ya molao wa Dikhampani, go ya ka karolo 2, karolo ye le karolo 4.”;

- (b) ka kemalegato ya karolwana (2) ya karolwana ye e latelago:

“(2) [Ka ntle le dipeakanyeto ta Molao wa Dikhampani] Go ya ka peakanyetšo efe le efe ya Molao wo, naga e tla ba leloko le moswarakabelo e le noši ya khamphani yeo morago ga kakaretšo ya yona nako efe le efe morago ga fao.”;

- (c) ka kemalegato ya temana (b) ya karolwana (3) ya temana ye e latelago:

“(b) Moretšisetara wa dikhampani o swanetše go ngwadiša memorantamo wa kwano le mangwalo a kwano, bjalo ka ge di saennwe ke Leloko le le ikarabelago, le go akaretša khampani bjalo ka khampani ya setšhaba ka fase ga leina “Lekalatirelo la Ditsela la Profense ya Leboa ya Bomong bjo bo Kgaoletšwego” le [Mmušo] Mmušo wa Profense bjalo ka leloko le moswarakabelo e le yona feela. Le go abela khampani sethifikheiti sa go thoma ka tšatšikgwedi ya kakaretšo ya khampani.”;

- (d) ka kemalegato ya temana (a) ya karolwana (4) ya temana ye e latelago:

“(a) Ditokelo tša [Mmušo] Mmušo wa Profense bjalo ka leloko le moswarakabelo ya lekalatirelo di swanetše go dirišwa ke leloko le le ikarabelago”;

- (e) ka kemalegato ya temana (b) ya karolwana (4) ya temana ye e latelago:

“(b) Kamano magareng ga Lekalatirelo le Leloko le le nago le le ikarabelago le le emetšego [Mmušo] Mmušo wa Profense bjalo ka leloko le moswarakabelo e le noši, e tla ba bjalo ka ge le hlathollotšwe ka go kwano yeo e fihleletšwego ke lekalatirelo le Leloko le le ikarabelago la morero woo, go ya ka Molao wo.”;

Kemalegato ya karolo 5 ya molao 7 wa 1998

4. Karolo ye e latelago e engwa legato ke karolo 5 ya Molaomogolo:

“5. Tirišo ya Molao wa Dikhampani go Lekalatirelo.- Dipeakanyetšo tša Molao wa dikhampani di, ka ntle le ge di laetšwa ka tsela ye nngwe ka Molaong wo, a dirišwa go Lekalatirelo.”;

Tlogelo ya karolo 6 ya Molao 7 wa 1998

5. Karolo 6 ya Molaomogolo ke go rialo e a tlogelwa.

Phetošo ya karolo 7 ya Molao 7 wa 1998

6. Karolo 7 ya Molaomogolo ka go rialo e a fetošwa-

- (a) ka kemalegato ya temana (a) ya karolwana (4) ya temana ye e latelago:

“(a) Leloko le le ikarabelago le ka, ka tsebišo ka go *Kuranta ya Profense*, phetha gore thoto ye nngwe le ye nngwe ye e e šuthago goba e sa šuthago ye e lego ya le og ba ka fase ga [Mmušo] Mmušo wa Profense ya morero wa Molawana wa pele le gona ye e tšweleditšwego ka go tsebišo, ka ntle le ge thoto yeo e sa šuthago ye e tšweleditšwego ka go karolwana (2)(b), e tla fetela go le go ba ka diatleng tša lekalatirelo ka tšatšikgvedi yeo e tšweleditšwego ka go tsebišo.”;

- (b) ka kemalegato ya mantšu a a tlogo ka pejana pele ga (a) ya karolwana 6 ya mantšu a a latelago:

“(6) Moo bong mo go thoto efe le efe ye e sa šuthago ya [Mmušo] Mmušo wa Profense e fetišitšwego le go fiwa Lekalatirelo go ya ka karolwana (4). Moretšisetara wa Dithoto, morago ga go fiwa tsebišo yeo e ntšheditšwego thoto yeo ya go se šuthe go ya ka karolwana ye, e swanetše-”;

- (c) ka kema legato ya temanyana (b)(ii) ya karolwana 6 ya temanyana ye e latelago:

“(ii) mo go kgonegago, ntšha lengwalo la madulo goba lengwalobohlatse la bomong ka leina la Lekalatirelo ka maikemišetšo a go ngwadiša bohlatse bja bong bja Lekalatirelo go thoto yeo.”.

Phetošo ya karolo 8 ya Molao 7 wa 1998

7. Karolo 8 ya Molaomogolo ka go rialo e a fetošwa-

- (a) ka kemalegato ya mantšu a a tlogo pele ga temana (a) ya karolwana (1) ya mantšu a a latelago:

“(1) ka go bapatša kelo ya dithoto tše di bolokilwego ka go Lekalatirelo go ya ka karolo 7, [Mmušo] Mmušo wa Profense, bjalo ka ge go beakanyeditšwe ka go kwano yeo e fihleletšwego ke Lekalatirelo le Leloko leo le šomago ka tumelelo ya leloko la Lekgotla-Phethišo [la Matlotlo] leo le ikarabelago mererong ya matlotlo ka go Profense, le tla fiwa dikabelo tše di lefeletšwego ka botlalo ka go Lekalatirelo-”;

- (b) ka kemalegato ya karolwana (2) ka karolwana ye e latelago:

“(2) Ge kgoboko yeo dikabelo ka go Lekalatirelo di swanetšego go fiwa [Mmušo] Mmušo wa Profense go ya ka karolwana (1). e le ka fase ga boleng bja dithoto tše di bolokilwego ka go Lekalatirelo –

- (a) Lekalatirelo le tla kolota [Mmušo] Mmušo wa Profense tšhelete yeo e lekanago le yeo e šalago ge go bapetšwa kelo ya dithoto tše di bolokilwego le boleng bja dikabelo tše di filwego;
- (b) mabaka le maemo a kadimo yeo a swanetše go bontšhwa ka go kwano yeo a tšwelelago ka go karolwana (1); le
- (c) ka go kwano yeo peakanyetšo e ka dirwa gore Lekalatirelo le fe [Mmušo] Mmušo wa Profense bohlatse bja go amogela sekoloto bja karolo ka moka goba seripa ya tšhelete ya kadimo.”.

Phetošo ya karolo ya 12 ya Molao wa 1998

8. Karolo 12 ya Molaomogolo ka go rialo e a fetošwa –

- (a) ka kemalegato ya karolwana (a) ya karolwana (3) ya temana ye e latelago:

“(a) o tee o swanetše go ba moemedi wa [Kgoro ya Matlotlo ya Profense ya Lehoa yoo a bego a le] Kgoro yeo e ikarabelago ditaba tša ditšhelete ka gare ga Profense, yoo a swanetšego go kgethiwa ke yona Kgoro yeo; gomme

- (b) ka tsentšho ya ka pele ka morago ga temana (a) ya karolwana (3) ya ditemana tše di latelago:

"(aA) o tee o swanetše go ba moemedi wa Kgoro yoo a ikarabelago ditaba tša dinamelwa ka gare ga Profense, yoo a swanetšego go kgethwa ke vona Kgoro yeo; gomme

"(aB) o tee o swanetše go ba moemedi wa Kgoro wa go ikarabela tša Mediro wa Setšhaba ka gare ga Profense, yo a swanetšego go kgethwa ke vona Kgoro yeo; le"

(b) ka kemalegato ya temana (d) ya karolwana (3) ya temana ye e latelago:

"(d) babararo e be batho ba go ba le maswanedi ao a kgethegilego, bokgoni. botsebi goba boitemogelo ditabeng tšeo di amago ditsela tša profense goba kgwebo goba mediro ya Lekalatirelo."

(d) ka kemalegato ya karolwana (5) ya karolwana ye e latelago:

"(5) Ka go diriša Molao wa Dikhampani go Lekalatirelo, Mophethišimogolo o tla tšewa go ba molaodimogolo wa Lekalatirelo gomme maloko a mangwe a Boto a ba bjalo ka balaodi.";

Phetošo ya karolo 13 ya Molao 7 wa 1998

9. Karolo 13 ya Molaomogolo e fetošwa fa ka kemalegato ya temana (b) ya karolwana (3) ya temana ye e latelago:

"(b) Le ge go le bjalo, leloko leo le beilwego gomme le swerego poso goba ofisi ka gare ga kgoro, taolo goba lefapha leo le ka, ka tumelelo ya mongmodiro wa lona leloko leo le Molekgotlaphethišo wa [Matlotlo] go ikarabela ditaba tša matlotlo ka gare ga Profense, lefelwa tlhompho ya ditirelo tšeo le di dirilego bjalo ka leloko la Boto, tlhompho yeo e tlogo go kgonthišišwa ke Leloko ka kwano le Molekgotlaphethišo wa [Matlotlo] boikarabelo bja ditaba tša ditšhelete ka gare ga Profense."

Phetošo ya karolo 14 ya Molao 7 wa 1998

10. Karolo 14 ya Molaomogolo e fetošwa fa-

(a) Ka kemalegato ya temana (c) ya karolwana (1) ya temana e latelago:

"(c) tabeng ya leloko leo le [emelago Kgoro ya Matlotlo ya Profense ya Leboa] šupetšwago ka go ditemana (3) (a), (3) (aA) (3) (aB) tša karolo 12, ge [gore] Kgoro ya maleba e kgopetše Leloko la boikarabelo ka go ngwala go ema legato moemedi yo mongwe wa moemedi yo a lego ka go Boto."

(b) ka kemalegato ya temana (2) ya karolwana (d) ya temana ye e latelago:

"(e) ge Leloko la go ikarabela le humana go tlošwa ga lona leloko leo go le bohlokwa."

(c) ka kemalegato ya temana (a) ya karolwana (3) ya temana yeo e latelago:

"(a) Sekgoba ka gare ga ofisi ya leloko leo le beilwego e swanetše go tlatšwa ke Leloko [la Lekgotlaphethišo] boikarabelo, ka pele ka fao go kgonegago, ka go bea leloko le lengwe leo le nago le maswanedi ao a bolelwago ka go karolo 12(3) go ofisi yeo e nago le sekgoba sa go se tlatšwe.

Phetošo ya karolo 32 ya Molao 7 wa 1998

11. Karolo 32 ya Molaomogolo e fetošwa fa ka kemalegato la temanyana (ii) ya karolwana (3)(b) ya temanyana ye e latelago:

(ii) [Mmušo] Mmušo wa Profense o na le ditshenyegelo tša projeke gomme o dira gore matlotlo a be gona go Lekalatirelo ka nepo yeo."

Phetošo ya karolo 33 ya Molao 7 wa 1998

12. Karolo 33 ya Molaomogolo e fetošwa fa-

(a) Ka kemalegato ya temana (a) ya karolwana (1) ya temana yeo e latelago:

"(a) [Mmušo] Mmušo wa Profense, woo o emetšwego ke Leloko la boikarabelo, o ka fa kadimo go Lekalatirelo go tšwa go ditšhelete tša go dirwa gore di be gona ke Lekgotlapeamelao ka nepo yeo.";

(b) ka kemalegato ya temana (b) ya karolwana (1) ya temana e latelago:

"(b) Lekalatirelo le tla lefela tswalo godimo ga kadimo yona yeo ka tekanyo yeo e beakanywago ke Leloko la boikarabelo leo le ka kwano le Molekgotlaphethišo wa [Matlotlo] go ikarabela ditaba tša matlotlo ka gare ga Profense, gomme le tlo lefela kadimo ka mekitlana le gare ga paka yeo e ka beakanywago ke Leloko la boikarabelo leo le šomago bjalo.";

(c) ka kemalegato ya karolwana (2) ya karolwana e latelago:

"(2) (a) Lekalatirelo, feela ka tumelelo ya go ngwalwa ya Leloko la boikarabelo yeo e filwego ka kwano ya go ngwalwa le Molekgotlaphethišo wa [Matlotlo] go ikarabela ditaba tša matlotlo ka gare ga Profense le kwano ya go ngwalwa ya Tona ya Matlotlo a Setšhaba, le ka dira dikadimo go tšwa go mothopo ofe le ofe go

thuša ditshenyegelo tša ditšhelete tšeo di ka hlolwago ke Lekalatitirelo pakeng ya ngwaga wa ditšhelete ka dinapo tša go beakanywa, thalwa, go agiwa go hlokomelwa goba go tsošološwa ga tsela efe le efe ya profense.

(b) Tumelelo ye ka fiwa go ya ka maemo ao a ka beakanywago ke Leloko la boikarabelo le šomago ka kwano ya Molekgotlaphethišo wa [Matlotlo] boikarabelo bja ditaba tša ditšhelete ka gare ga Profense."

(d) Ka kemalegato ya karolwana (3) ya karolwana e latelago:

"(3) [Profense] Mmušo wa Profense woo o emetšwego ke Leloko la boikarabelo leo le šomago ka kwano ya Molekgotlaphethišo wa [Matlotlo] boikarabelo bja ditaba tša matlotlo ka gare ga Profense le Tona ya Matlotlo a Setšhaba ba ka tiišetša kadimo efe le efe yeo e dirilwego ke Lekalatirelo go ya ka karolwana (2)."

Phetošo ya karolo 34 ya Molao 7 1998

13. Karolo 34 ya Molaomogolo o fetošwa fa ka kemalegato ya mantšu a a tlogo ka pejana pele ga temana (a) ya karolwana (1) ya mantšu a a latelago:

"(1) Lekalatirelo le ithekgile godimo ga matlotlo a go tšwa go [Mmušo wa Profense ya Leboa] Mmušo wa Profense go ditsela tšeo di sa ikemelago ka mašeleng gomme go tlaleletša Lekalatirelo le fiwa ditšhelete go tšwa go-

Phetošo ya karolo 35 ya Molao 7 wa 1998

14. Karolo 35 ya Molaomogolo e fetošwa fa ka kemalegato ya karolwana (5) ya karolwana e latelago:

"(5) Peakanyo efe le efe ya modiro le matlotlo le peakanyo ya togaleano di swanetše go tsebagatšwa ke Lekalatirelo ka go dira gore e phatlalatšwe ka gare ga *Kuranta ya Profense*, empa, ge go kgotsofatša gore mabakeng a dikgahlego tša setšhaba di nyaka gore bogolo bjo bogologolo bo fiwe peakanyo yona yeo. Leloko la boikarabelo le ka laela kgatišo go ya pele ya peakanyo, ka tshenyegelo ya [Mmušo] Mmušo wa Profense, ka go e tee goba tše ntši tša dikuranta tšeo di phatlalago ka bophara bja setšhaba."

Kemalegato ya karolo 39 ya Molao 7 wa 1998

15. Karolo yeo e latelago e fetošwa fa ka karolo 39 ya Molaomogolo:

"39. Maikemišetšo a Ditsela tša Profense- (1) Maikemišetšo a [Mmušo] Mmušo wa Profense mabapi le ditsela tša profense a swanetše go

tsebagatšwa nako le nako ke leloko la boikarabelo ka tsebišo ka gare ga Kuranta ya Profense. Tsebišo e swanetše go bolela, gare ga tše dingwe -

- (a) dinepo mabapi le ditsela tša profense tseo [Mmušo] Mmušo wa Profense o nyakago go di humana; le
 - (b) dinepo tša maikemišetšo gore di latelwe gore dinepo tseo di fihlellwe.
- (2) Nako efe le efe ge dikakanyo tša malebana le go beakanywa le go fetošwa ga maikemišetšo a ditsela tša profense a swanetše go hlokomelwa le go tšeelwa sephetho ke [Mmušo] Mmušo wa Profense, Molekgotlaphethišo wa go ikarabela, ka tsebišo ya go gatišwa ka gare ga *Kuranta ya Profense* o swanetše go tsebagatša dikakanyo tseo gomme ka gare ga tsebišo yeo a mema batho bao ba nago le kgahlego le setšhaba go fa ditshwayotshwayo godimo ga dikakanyo le go dira dikemelo mabapi le tšona."
- (3) Lekalatirelo le swanetše go beakanya peakanyo ya yona ya modiro le matlotlo le peakanyo ya togaleano le maemo le mekgwa ya thalo ya ditsela le kago le polokego ya ditsela ka gare ga tlhako ya maikemišetšo a ditsela tša profense bjalo ka ge go beakanywa ke [Mmušo] Mmušo wa Profense gomme di gatišitšwe go ya ka karolwana (1)."

Phetošo ya karolo 71 ya Molao 7 wa 1998

16. Karolo 71 ya Molaomogolo e fetošwa fa-

(a) Ka kemalegato ya karolwana (2) ya karolwana e latelago:

- (2) Ntle le fao peakanyetšo efe le efe e dirilwego ka Molao wo goba ka kwano efe le efe yeo e tsenetšwego ke Leloko la boikarabelo le Lekalatirelo gomme e gatišitšwe go ya ka karolo 7(3), le go ya ka karolwana (3) ya karolo ye, Lekalatirelo le tlo ba mohlatlami wa semolao wa kgoro goba [Mmušo] Mmušo wa Profense mabapi le, gomme e swanetše go engwa legato ke [Kgoro ya Mediro ya Setšhaba ya Profense ya Leboa] Kgoro goba [Mmušo] Mmušo wa Profense ka gare ga kontraka goba kwano efe le efe yeo e tsenetšwego le motho ofe le ofe pele ga tšatšikgvedi ya kopantšho ke goba legatong la Kgoro (go akaretšwa le kwano le mmasepala goba Tonakgolo wa profense e nngwe, goba ka goba legatong la Leloko la boikarabelo leo le emetšego Mmušo wa Profense (go ya ka fao taba e lego ka gona), ge-

- (b) ka kemalegato la temana (a) ya karolwana (3) ya temana yeo e latelago:

"(3)(a) Ntle le ge go dirilwe peakanyetšo efe le efe e nngwe ka kwano yeo e tsenetšwego ke Leloko la boikarabelo le Lekalatirelo gomme e gatišitšwe go ya ka karolo 7(3) [-

(i)] ditshepedišo dife le dife tšeo di akaretšago pelo ya kontraka goba tshelamolao yeo e lego godimo ga tlholo ya tiro ya yeo e tsogilego pele ga tšatšikgwedi ya kopantšho, e [amago goba e hlagago] amanago goba hlagago go matlotlo, kago, tiro, tshepedišo, taolo, tlhokomelo goba tsošološo ya tsela ya profense ka fase ga Molawana wa pele gomme o tlišitšwego ka morago ga tšatšikgwedi ya kopantšho, e swanetše go phethagatšwa ke goba kgahlanong le [Mmušo] Mmušo wa Profense bjalo ka ge o emelwa ke Leloko la boikarabelo."

Kemalegato ya karolo 72 ya Molao 7 wa 1998

17. Karolo yeo e latelago e engwa legato ke karolo 72 ya Molaomogolo:

"72. Molao o tlama [Mmušo] Mmušo wa Profense. Molao wo o tlama [Mmušo] Mmušo wa Profense."

Kemalegato ya karolo 73 ya Molao 7 wa 1998

18. Karolo yeo e latelago e engwa legato ke karolo 73 ya Molaomogolo:

"73. Thactlele e kopana.- (1) Molao wo o bitšwa Molao wa Ditsela tša Profense le Thoto ya Lekalatirelo la Ditsela le Kgaoletšwego la Profense ya Leboa, 1998.

Thactlele e kopana

19. Molao wo o bitšwa Molao- Phetošwa wa Ditsela tša Profense le Lekalatirelo la Ditsela le Kgaoletšwego wa Profense ya Leboa, 2001.

MEMORANTAMO WA GO HLAŁOŠA MERERO YA MOLAOKAKANYWA-PHETOŠWA WA DITSELA TŠA PROFENSE LE LEKALATIRELO LA DITSELA LE KGAOLETŠWEGO WA PROFENSE YA LEBOA, 2001.

BOKAMORAGO

Lekgotlapeamelao la Profense ya Leboa le hlomile Lekalatirelo la Ditsela la Profense ya Leboa (NPRA) ka Molao wa Ditsela tša Profense le Lekalatirelo la Ditsela le Kgaoletšwego wa Profense ya Leboa, 1998, wo o fetišitšwego ka 12 Nofemere 1998. gomme wa dumelwa ke Tonakgolo ka la 7 Janaware 1999. Molao o gatišitšwe ka tshwanelo ka go Kuranta ya Profense ye e sa Tlwaelegago 398 ka la 23 Matšhe 1999.

Molao o beakanyetša go ngwadišwa goba kopantšho ya NPRA bjalo ka khampani ya setšhaba. Go ya ka tlhamego ya bjale ya Molao, NPRA e tla hlangwa godimo ga gore e kopantšhwe bjalo ka khampani ya setšhaba gomme Mmušo wa Profense e le wona moswarakabelo o le noši, go sa lebelelwe dinyakwa tša Molao wa Dikhampani tšeo di laetšago gore bonnyane bja batho ba šupago e swanetše go ba baswarakabelo ba khampani ya setšhaba. Ka go realo, mathata a lemogilwe ka ngwadišo ya NPRA, ka dithulano tše di boletšwego magareng ga Molao le Molao wa Dikhampani. Tharollo ya mathata ke go fetoša Molao go direla gore NPRA e ngwadišwe bjalo ka khampani ya praebete ka moswarakabelo o tee. Temana 3 ya Molaokakanywa, yeo e fetolago karolo 3 ya Molao, e nyaka go rarolla maemo a go boletšwego ka ona ka godimo.

Molao wa Dikhampani o beakanyetša ngwadišo ya leloko le tee mabapi le khampani ya praebete ka kabelo ya ditšhelete. E beakanyetša gape gore khampani ya praebete e ka kopantšhwe le mongwadiši o tee. Mmušo wa Profense ka go realo e ka ba leloko o le tee le mongwadiši wa khampani ya praebete.

Molao ka tlhamego ya wona ya bjale, o beakanyetša kemedi ya Kgoro ya Matlotlo go ba leloko la Boto eupša ga o lemoge karolo ye bohlokwa yeo Kgoro ya Mediro ya Setšhaba le Kgoro ya Dinamelwa e ka go e raloka bjalo ka maloko a a nago le kgahlego. Temana 8 ya Molaokakanywa e nyaka go rarolla maemo ka go fetoša Molao gore e akaretše baemedi ba Dikgoro tšeo go boletšwego ka tšona ka go Boto.

Molaokakanywa o tsenya ditlhathollo tše dingwe ka gare ga Molao go nolofatša tlhathollo. Diphetošo tše dingwe di dirwa go ditlhathollo tše di lego gona ka lebaka la go fedišwa ga melawana ye mengwe bjalo ka Molao wa Phethišetšo wa Mmušo-Selegae, 1993.

Sa mafelelo, Molaokakanywa o akaretša diphetošo tše mmalwa tša go kgahliša go Molao go phagamišwe netefatšo ya ona.

DIKAMEGO TŠA MATLOTLO

Ka ntle ga ditshenyegelo tša kgatišo ya Molaokakanywa tšeo di lekanyeditšwego, ga go na kamego ye nngwe ya matlotlo yeo e ukangwago.

DIKAMEGO TŠA MOLAOTHEO

Ga go selo.

DIKAMEGO TŠA LEFAPHA LA DITIRELO TŠA BATHO LE SEBOPEGO

Ga go selo.

DIKAMEGO TŠA KGOKAGANO

Ga go selo.

DIPHATHI/ BAKGATHATEMA BAO BA RERIŠITŠWEGO

Kgoro ya Mediro ya Mmušo
Kgoro ya Dinamelwa
Kgoro ya Matlotlo
Baeletši ba Molao ba Mmušo

PHETLEKO YA TEMANA KA TEMANA

Temana 1
Yona e swaragane le ditlhalošo.

Temana 2

Ka gare ga temana ye lentšu le "leboa" le phumotšwe gobane lentšu le "Profense" le šetše le hlalošitšwe go ra Profense ya Leboa.

Temana 3

Temana ye e fetoša mohuta wa khamphani go tloga go khamphani ya mmušo go ya go ya praebete ka go ema legato lentšu le "ya mmušo" ka lentšu le "praebete".
Go ya pele temana ye e dira mmušo go ba moswaradišere o le noši go ya ka dipeakanyetšo tše dingwe tša Molao.

Go ya pele temana e tsenya lentšu le "bomong" go amana le Molao wa Dikhamphani, go pharologanya khamphani ya praebete go ya mmušo. Lentšu le "Mmušo" le lona le engwe legato ke lentšu le "Mmušo wa Profense" go netefatša gore ga se mmušo ka moka woo e lego leloko la NPRA, empa Mmušo wa Profense.

Temana 4

Temana ye e tlišetša gore Lekalatirelo le tlaleletša dipeakanyetšo tša Molao wo, leo le lona le tlangwago ke Molao wa Dikhamphani.

Temana 5

Temana ye e phumola dipeakanyetšo tša karolo 6.

Temana 6

Temana ye e na le diphetogo tša ditlamorago

Temana 7

Temana e na le diphetogo tša ditlamorago.

Temana 8

Temana ye e akaretša baemedi ba Dikgoro tša Dinamelwa le Mediro ya Setšhaba ka gare ga Lekalatirelo.

Temana 9

Temana ye e na le tsošološo ya mantšu go godiša kwešišagalo.

Temana 10

Temana ye e nyaka go akaretša dikgoro tše di kopantšwego ka bofsa ka gare ga tšhupetšano. Go ya pele temana e kgontšha Molekgotlaphethišo go tloša maloko ka mabaka afe le afe ao a kwagalago.

Ditemana 11 - 18

Diphetošo tša ditlamorago.

Temana 19

Thaetlele e kopana.

NOTICE 93 OF 2001

ZHENDEDZI LA BADA DZO ELWAHO LA VUNDU LA DE VHULA NA
MULAYOTIBE WA KHWINISO WA BADA DZA VUNDU, 2001

MAIPFI A THALUSO NGA U ANGAREDZA

[] Maipfi o swifhadzwaho kha zwitange zwa tshikwairi a sumbedza
tsiedzo u bva kha mulayo u re hone.

_____ Maipfi o talelwaho nga fhasi nga mutalo u songo khethekanaho a
sumbedzwa u dzheniswa kha mulayo u re hone.

U khwinisa Mulayo wa Zhendedzi la Dzibada dza Vundu la Devhula na Bada
dza Vundu, 1998, nga u ralo hu u vhetshela u itela khwiniso na u dzheniswa ha
tshandavhudzo dziwe; u shumiswa ha Mulayo wa Dzikhamphani, 1973, kha
Zhendedzi la Bada dza Vundu la Devhula; u shandukiswa ha Zhendedzi la Bada
dza Vundu la Devhula u bva kha vhathu u ya kha khamphani ya phuraivethe;
khwiniso ya dzina lipfufhi; na u vhetshela u itela mafhungo a tutshekanaho.

HU KHOU VHEWA MULAYO nga Vhusimamilayo ha vundu la devhula nga u rali:-

Khwiniso ya khethekanyo 1 ya Mulayo 7 wa 1998

1. Khethekanyo 1 ya Mulayo wa Zhendedzi la Bada dza Vundu la Devhula na
Bada dza Vundu, 1998 (Mulayo No. 7 wa 1998), (hune afha nga murahu ha afho wa
vhidzwa, "Mulayo muhulwane") afha u khou khwiniswa -

(a) nga u shandukiswa tshandavhudzo ya "Muhasho" ya tshandavhudzo i
tevhelaho:

"Muhasho" zwi amba [Muhasho wa Mishumo ya Vhathu wa
Vundu la Devhula] muhasho u re na vhudifhinduleli ha Mishumo ya
Vhathu kha Vundu:

(b) nga tshandukiswa u itela tshandavhudzo "masipala" ya
tshandavhudzo i tevhelaho:

"masipala" zwi amba masipala ufho na ufho sa zwo laedzwaho kha
Mulayo wa Mbumbo dza Masipala : Muvhuso Wapo, 1998 (Mulayo
No. 117 wa 1998):

(c) nga tshandukiswa u itela tshandavhudzo ya "Premia" ya tshandavhudzo
i tevhelaho:

“Premia” zwi amba Premia wa Vundu la [Devhula];”;

- (d) nga u dzhenisa murahu ha tḡhandavhudzo ya “Mulayo wa vundu wo fhiraho” ha tḡhandavhudzo dzi tevhelaho:

“Vundu” zwi amba Vundu la Devhula sa zwo laedzwaho kha khethekanyo 103(1)(g) ya Mulayotewa;”;

“Muvhuso wa Vundu” zwi amba muvhuso wa Vundu;”;

Khwiniso ya khethekanyo 2 ya Mulayo 7 wa 1998

2. Khethakanyo 2 ya Mulayo muhulwane afha i khou khwiniswa nga tshandukiso u itela khethekanyotḡhukhu (1) ya khethekanyotḡhukhu i tevhelaho:

“(1) Hu ḡo vha na zhendedzi la bada dza vundu u itela Vundu la [Devhula] u itela ndivho ya u dzhia vhuḡifhinduleli ha mbadelo, ndaulo, ndango. nzudzanyo, mveledziso, tḡgomelo na mvusuludzo dza sistemu ya bada dza vundu”.

Khwiniso ya khethekanyo 3 ya Mulayo 7 wa 1998

3. Khethekanyo 3 ya Mulayo muhulwane afha i khou khwiniswa –

- (a) nga tshandukiso u itela khethekanyotḡhukhu (1) ya khethekanyo tḡhukhu i tevhelaho:

“(1) Murado are na vhuḡifhinduleli u ḡo dzhia maga otḡhe o teaho u itela u vhumbiwa na u tḡanganyiswa ha zhendedzi lenelo sa khamphani ya [vhathu] phuraivethe li re na mukovhe pfuma ngomu ha zwine Mulayo wa Khamphani wa amba, hu tshi tevhedzwa khethekanyo 2, khethekanyo iyi na khethekanyo 4.”;

- (b) nga tshandukiso u itela khethekanyotḡhukhu (2) ya khethekanyo tḡhukhu i tevhelaho:

“(2) [Naho hu na mbetshelo dza Mulayo wa Dzikhamphani] Hu tshi tevhedzwa mbetshelo dziḡwe dziḡhio na dziḡhio dza Mulayo uyu. [muvhuso] Muvhuso wa Vundu u ḡo vha wone u wotḡhe murado na mufaramukovhe wa khamphani yeneyo nga kha tḡa-ngano yayo nahone tshifhinga tshiḡwe na tshiḡwe murahu ha zwenezwo..”;

- (c) nga tshandukiso u itela phara (b) ya khethekanyotḡhukhu (3) ya phara i tevhelaho:

“(b) Muredzhistara wa dzikhamphani u tea u redzhistara memorandamu wa nyandano na zwithu zwa nyandano, sa zwo vhetshelwaho nga Murado a re na vhudifhinduleli, na u tanga-nya khamphani sa khamphani ya [vhathu] phuraivethe fhasi ha dzina la “Zhendedzi la Bada la Vhune ho Elwaho la Vundu la Devhula” na [Muvhuso] Muvhuso wa Vundu sa murado na mufaramukovhe u wothhe, na u netshedza khamphani thanziela ya u thoma u bva nga datumu ya thanganelano ya khamphani.”;

(d) nga tshandukiso ya phara (a) ya khethekanyothukhu (4) nga phara i tevhelaho:

“(a) Pfanelo [dza Muvhuso] dza Muvhuso wa Vundu sa murado na mufaramukovhe wa Zhendedzi dzi do shumiwa nga Murado a re na vhudifhinduleli.”;

(e) nga tshandukiso u itela phara (b) ya khethekanyothukhu (4) ya phara i tevhelaho:

(b) Vhushaka vhukati ha Zhendedzi na Murado a re na vhudifhinduleli a imelaho [Muvhuso] Muvhuso wa Vundu sa wone murado na mufaramukovhe u wothhe, vhu do tandavhudzwa kha thendelano yo dzhenelwaho nga zhendedzi na Murado a re na vhudifhinduleli u itela ndivho yeneyo, hu tshi tevhedzwa Mulayo uyu.”

Tshandukiso ya khethekanyo 5 ya Mulayo 7 wa 1998

4. Khethekanyo i tevhelaho i khou shandukiswa u itela khethekanyo 5 ya Mulayo muhulwane:

“5. Tshumiso ya Mulayo wa Dzikhamphani kha Zhendedzi.-
Mbetshelo dza Mulayo wa Dzikhamphani dzi, nga nda ha musu nga inwe ndila zwo bulwa hunwe-vho kha Mulayo uyu, a shuma kha Zhendedzi.”

U phumulwa ha khethekanyo 6 ya Mulayo 7 wa 1998

5. Khethekanyo 6 ya Mulayo muhulwane afha i khou phumulwa.

Khwiniso ya khethekanyo 7 ya Mulayo 7 wa 1998

6. Khethekanyo 7 ya Mulayo muhulwane afha i khou khwiniswa –

(a) nga tshandukiso u itela phara (a) ya khethekanyothukhu (4) ya phara i tevhelaho:

- “(a) Murado a re na vhudifhinduleli a nga ri, nga ndivhadzo kha *Gazethe ya Vundu*, a divhadza zwa uri ndaka i sudzuluseaho na i sa sudzulusei ifhio na ifhio ya kana i re fhasi ha ndango ya [Muvhuso] Muvhuso wa Vundu u itela ndivho ya Mulayo wa Vundu wo fhiraho nahone wo bulwaho kha ndivhadzo, nga nnda ha ndaka i sa sudzuluseiho ifhio na ifhio yo bulwaho kha khethekanyot hukhu (2)(b), i do pfukela na u dzula kha zhendedzi nga datumu yo bulwaho kha ndivhadzo.”;
- (b) nga tshandukiso u itela maipfi a rangelaho zwenezwo phara (a) ya khethekanyot hukhu 6 ya maipfi a tevhelaho:
- “(6) Hune vhune ha ndaka i sa sudzulusei inwe ifhio na ifhio ya [Muvhuso] Muvhuso wa Vundu ho pfukela na u mbo di vha fhasi ha Zhendedzi hu tshi tevhedzwa khethekanyot hukhu (4), Muredzhistara wa Vhune, nga kha u netshedzwa ndivhadzo ye ya bviswa malugana na ndaka yeneyo i sa sudzuluseiho hu tshi tevhedzwa khethekanyot hukhu yeneyo, u tea - “;
- (c) nga tshandukiso u itela pharathukhu (b)(ii) ya khethekanyot hukhu 6 ya pharathukhu i tevhelaho:
- “(ii) hune zwa konadzea, u bvisa vhune ha mavu kana vhune ha dzina nga dzina la zhendedzi u itela u redzhistara dzina la Zhendedzi kha ndaka yeneyo.”;

Khwiniso ya khethekanyo 8 ya Mulayo 7 wa 1998

7. Khethekanyo 8 ya Mulayo muhulwane afha i khou khwiniswa –

- (a) nga tshandukiso u itela maipfi a re phanda ha phara (a) ya khethekanyot hukhu (1) ya maipfi a tevhelaho:
- “(1) Nga u tshintshana u itela ndeme yo fhelelaho ya ndaka yo vhulungwaho kha Zhendedzi hu tshi tevhedzwa khethekanyo 7, [Muvhuso] Muvhuso wa Vundu, sa zwo vhetshelwaho kha thendelano yo dzhenelwaho nga Zhendedzi na Murado a re na vhudifhinduleli a tshi khou shuma hu na thendelo nga Murado wa Khorotshitumbe [wa Gwama] a re na vhudifhinduleli ha mafhungo a masheleni kha Vundu, u do newa mikovhe yo badelwa lwo fhelelaho kha Zhendedzi – “;
- (b) nga tshandukiso u itela khethekanyot hukhu (2) ya khethekanyot hukhu i tevhelaho:
- “(2) Arali thanganyelo ya mikovhe kha Zhendedzi ine ya khou tea u netshedzwa kha [Muvhuso] Muvhuso wa Vundu hu tshi tevhedzwa

khethekanyothukhu (1), i fhasi ha ndeme yo fhelelaho ya ndaka dzo vhulungwaho kha Zhendedzi –

- (a) Zhendedzi li do vha na tshikolodo kha [Muvhuso] Muvhuso wa Vundu tsha t hanganyelo i edanaho na phambano vhukati ha ndeme yo fhelelaho ya ndaka dzo vhulungwaho na ndeme ya mikovhe yo netshedzwaho nga u ralo;
- (b) dzitheme na nyimele dza khadzimiso yeneyo dzi tea u t andavhudzwa kha thendelano yo bulwaho kha khethekanyothukhu (1); nahone
- (c) kha thendelano yeneyo mbetshelo dzi tea u itwa dza uri Zhendedzi li netshedze [Muvhuso] Muvhuso wa Vundu ndifho yo fhelelaho kana tshipida tshifhio na tshifhio tsha t hanganyelo ya khadzimiso.”;

Khwiniso ya khethekanyo 12 ya Mulayo 7 wa 1998

8. Khethekanyo 12 ya Mulayo muhulwane afha i khou khwiniswa –

- (a) nga tshandukiso u itela khethekanyothukhu (2) ya khethekanyothukhu i tevhelaho:
 “(2) Bodo yo vhumbiwa nga mirado ya [malo] fumi vhane vha [sumbe] tah vha tea u vhewa nga Murado a re na vhudifhinduleli nahone murado wa [vhumalo] vhufumi ane a vha Muofisi Mukonanyi Muhulwane, nga maanda a u fara ofisi yeneyo.”;
- (b) nga tshandukiso u itela maipfi a henefho a ranmgelaho kha phara (a) ya khethekanyothukhu (30) ya maipfi a tevhelaho:
 “(3) Mirado vha no do vhewa, ndi mudzulatshidulo, ane a fanela u vha muthu o teaho nahone o lugelaho ofisi yeneyo, na mirado nyengedzedzwa ya [rathi] malo vhane kha vho –”,
- (c) nga tshandukiso u itela phara (a) ya khethekanyothukhu (3) ya phara i tevhelaho:
 “(a) muthihi u tea u vha muimeleli wa [Muhasho wa Gwama wa Vundu la Devhula we a] Muhasho u re na vhudifhinduleli ha mafhungo a gwama kha Vundu, une wa tea u khethwa nga Muhasho wonoyo; nahone;”;
- (d) nga u dzhenisa murahu henefho ha phara (a) ya khethekanyothukhu (3) ya phara dzi tevhelaho:

“(aA) muthihi u tea u vha muimeleli wa Muhasho a re na vhudifhinduleli u itela mafhungo a vhuendi kha Vundu, ane a tea u nangiwa nga Muhasho wonoyo: nahone

(aB) muthihi u tea u vha muimeleli wa Muhasho a re na vhudifhinduleli u itela Muhasho wa Mishumo kha Vundu, ane a tea u nangiwa nga muhasho wonoyo: nahone.”:

- (e) nga u shandukisa u itela khethekanyothukhu (5) ya khethekanyothukhu i tevhelaho:

“(5) Kha u shumisa Mulayo wa Khamphani kha Zhendedzi, Muofisiri Muhulwane wa Khorotshitumbe u do dzhiwa na u farwa sa Mulangi Muhulwane wa Zhendedzi nahone miwe mirado ya Bodo sa vhalanguli.”.

Khwiniso ya khethekanyo 13 ya Mulayo 7 wa 1998

9. Khethekanyo 13 ya mulayo muhulwane afha i khou khwiniswa nga u shandukisa u itela phara (b) ya khethekanyo (3) ya phara i tevhelaho:

“(b) Naho zwo ralo, murado o vhwaho o faraho tshikhala kana ofisi kha kana fhasi ha wonoyo muhasho, ndaulo kana tshiimiswa tsha a nga, nga thendelo ya vatholi vha onoyo murado na Murado wa Khorotshitumbe [wa zwa Gwama] a re na vhudifhinduleli ha mafhungo a zwa gwama kha Vundu, u do newa khuliso hu u itela tshumelo yo netshedzwaho sa murado wa Bodo, ine khuliso ya do tiwa nga Murado a re na vhudifhinduleli hu na thendelo ya Murado wa Khorotshitumbe wa [wa zwa Gwama] a re na vhudifhinduleli ha zwa masheleni kha Vundu”.

Khwiniso ya khethekanyo 14 ya Mulayo 7 wa 1998

10. Khethekanyo 14 ya Mulayo muhulwane afha i khou khwiniswa –

- (a) nga u shandukisa u itela phara (c) ya khethekanyothukhu (1) ya phara i tevhelaho:

“(c) kha hune murado [o imelaho Muhasho wa zwa Gwama wa Vundu la Devhula] wo bulwaho kha dziphara (3) (a), (3) (aA), (3) (aB) dza khethekanyo 12, musi [zwaauri] Muhasho wo teaho wo humbela Murado a re na vhudifhinduleli nga u tou n'wala u imela muwe muimeleli u itela muimeleli wayo a imelaho kha Bodo.”;

- (b) nga u shandukisa u itela phara (a) ya khethekanyo thukhu (3) ya phara i tevhelaho:

“(a) Tshikhala kha ofisi ya muraḁo o vhewaho tshi tea u ḁadzwa nga Muraḁo a re na vhuḁifhinduleli [wa Khorotshitumbe], nga u ṭavhanya, nga kha u vhewa ha muṇwe muraḁo a swikelaho ṭhōḁea dzo bulwaho kha khethekanyo 12 (3) u itela ofisi i re na tshikhala.”.

Khwiniso ya khethekanyo 32 ya Mulayo 7 wa 1998

11. Khethekanyo 32 ya Mulayo muhulwane afha i khou khwiniswa nga u shandukisa u itela phara (ii) ya khethekanyo thukhu (3) (b) ya phara i tevhelaho:

“(ii) [Muvhuso] Muvhuso wa Vundu u badela mutengo wa thandela nahone u vhetshela masheleni o teaho a re hone kha Zhendedzi u itela yeneyo ndivho”.

Khwiniso ya khethekanyo 33 ya Mulayo 7 wa 1998

12. Khethekanyo 33 ya Mulayo muhulwane afha i khou khwinisiwa –

- (a) nga u shandukisa u itela phara (a) ya khethekanyo thukhu (1) ya phara i tevhelaho:

“(a) [Muvhuso] Muvhuso wa Vundu, wo imelelwa nga Muraḁo a re na vhuḁifhinduleli, u nga ṇetshedza nyadzimo kha Zhendedzi u bva kha tshelede dzo vhetshelwaho nga Vhusimamilayo u itela yeneyo ndivho.”.

- (b) nga u shandukisa u itela phara (b) ya khethekanyo thukhu (1) ya phara i tevhelaho:

“(b) Zhendedzi ḽi ḁo badela muingapfumo kha yeneyo nyadzimo kha phimo yo tiwaho nga Muraḁo a re na vhuḁifhinduleli a shumaho nga thendelo ya Muraḁo wa Khorotshitumbe [wa zwa Gwama] a re na vhuḁifhinduleli u itela mafhungo a zwa Gwama kha Vundu, nahone u tea u badela murahu nyadzimo nga zwikatu nahone nga tshifhinga tsho tiwaho nga Muraḁo a re na vhuḁifhinduleli a no khou shuma nga u ralo.”;

- (c) nga u shandukisa u itela khethekanyo thukhu (2) ya khethekanyo thukhu i tevhelaho

“(2)(a) Zhendedzi, nga kha thendelo ya u tou n̄wala fhedzi ya Murado a re na vhudifhinduleli a re na thendelo fhedzi ya u tou n̄wala ya Murado wa Khorotshitumbe [Gwama] a re na vhudifhinduleli ha mafhungo a zwa Gwama kha Vundu na thendelo ya u tou n̄wala ya Minisita wa Lushaka wa zwa Gwama, a nga kuvhanganya nyadzimo u bva kha zwiko zwiñwe zwifhio na zwifhio u itela u badelela zwibviswa zwifhio na zwifhio zwine zwi nga kolodwa nga Zhendedzi kha n̄waha muñwe na muñwe wa muvhalelano u itela ndivho dza mbekanyamushumo, u ola, mbumbo, ndondolo na mbuedzedzo ya bada ifhio na ifhio ya vundu.

(c) Thendelo i nga ñi netshedzwa hu tshi tevhedzwa maimela afhio na afhio o tiwaho nga Murado a re na vhudifhinduleli a shumaho nga thendelo ya Murado wa Khorotshitumbe [wa Gwama] a re na vhudifhinduleli ha mafhungo a muvhalelano kha Vundu.”;

(d) nga u shandukisa u itela khethekanyo thukhu (3) ya khethekanyo thukhu i tevhelaho:

“(3) [Vundu] Muvhuso wa Vundu, wo imelelwaho nga Murado a re na vhudifhinduleli a shumaho nga thendelo yo tou n̄walwaho ya Murado wa Khorotshitumbe [wa zwa Gwama] a re na vhudifhinduleli ha mafhungo a muvhalelano kha Vundu na Minisita wa Lushaka wa Gwama a nga themendela nyadzimo ifhio na ifhio yo kuvhanganyiwaho nga Zhendedzi hu tshi tevhedzwa khethekanyo thukhu (2).”

Khwiniso ya khethekanyo 34 ya Mulayo 7 wa 1998

13. Khethekanyo 34 ya Mulayo muhulwane afha i khou khwinisiwa nga u shandukisa u itela maipfi a rangelaho phara (a) ya khethekanyo thukhu (1) ya maipfi a tevhelaho:

“(1) Zhendedzi lo ñisendeka kha u lambedzwa u bva kha [Muvhuso wa Vundu wa Devhula] Muvhuso wa Vundu u itela idzo bada dzine dzi si ñibadelele nahone n̄ ha ha zwenezwo Zhendedzi li lambedzwa na u vhetshelwa nga pfuma u bva kha –”

Khwiniso ya khethekanyo 35 ya Mulayo 7 wa 1998

14. Khethekanyo 35 ya Mulayo muhulwane afha i khou khwinisiwa nga u shandukisa u itela khethekanyo (5) ya khethekanyo thukhu i tevhelaho:

“(5) Mushumo ufhio na ufhio na mbekanyamushumo ya muvhalelano na mbekanyamushumo ya u angaredza yo fhelelaho zwi tea u ñivhadzwa nga Zhendedzi nga u ita uri zwi gandiswe kha *Gazethe ya Vundu*, fhedzi, arali zwi tshi fusha zwauri nga kha zwiitisi dzangalelo la vhathu li t o ña zwauri li bviselwe khagala kha u netshedzwa ha yeneyo mbekanyamushumo, Murado a re na

vhuḍifhinduleli a nga laedza u gandiswa hafhu ha mbekanyamushumo, zwi tshi badelwa nga [Muvhuso] Muvhuso wa Vundu kha nthihi kana gurandā nnzhi dzi swikelaho lushaka. Nga vhuphara.

U shandukiswa ha khethekanyo 39 ya Mulayo 7 wa 1998

15. Khethekanyo dzi tevhelaho afha dzi khou shandukiswa u itela khethekanyo 39 ya Mulayo muhulwane:

“39. Mbekanyamaitele ya Bada dza Vundu.-(1) Mbekanyamaitele [ya Muvhuso] ya Muvhuso wa Vundu, malugana na bada dza vundu i tea u ḍivhadzwa tshifhinga tshot he nga Murado a re na vhuḍifhinduleli nga ndivhadzo kha *Gazethe ya Vundu*. Ndivhadzo i tea u bula, vhukati ha zwiṁwe

(a) ndivho malugana na bada dza vundu dzine [muvhuso] Muvhuso wa Vundu wa toḍa u dzi swikelela; na

(b) thoḍea dza mbekanyamaitele dzi no ḍo tevhelwa u itela zwauri dzenedzo ndivho dzi kone u swikelelwa

(2) Musi makumedzwa afhio na afhio o teaho, kha ta kana u khwinisa mbekanyamaitele ya bada dza Vundu a tshi sedzwa na u tshewa nga [muvhuso] Muvhuso wa Vundu, Murado a re na vhuḍifhinduleli wa Khorotshitumbe nga ndivhadzo yo andazwaho kha *Gazethe ya Vundu*, u tea u ita uri ayo makumedzwa a ḍivhiwe nahone kha ndivhadzo a ramba vhathu vhafhio na vhafhio vha re na dzangalelo na lushaka uri vha swikise vhupfiwa havho nga ha makumedzwa na u ita vhuimeleli malugana na zwenezwo.

(3) Zhendedzi li tea u ta mushumo walo na mbekanyamushumo ya muvhalelano na mbekanyamushumo ya maitele na tshiimo na kuvhonele u itela u olwa ha dzibada na u fhatiwa nahone zwi tshi tshi itelwa nga kha muhanga wa mbekanyamaitela dza bada dza vundu sa zwo tiwaho nga [muvhuso] Muvhuso wa Vundu na u gandiswa hu tshi tevhedzwa khethekanyo thukhu (1).”.

Khwiniso ya khethekanyo 71 ya Mulayo 7 wa 1998

16. Khethekanyo 71 ya Mulayo muhulwane afha i khou khwiniswa –

(a) nga u shandukisa u itela khethakanyo thukhu (2) ya khethekanyo thukhu i tevhelaho:

“(2) Nga nnda ha huiwe hune mbetshelo inwe ifhio na ifhio ya itwa nga uyu Mulayo kana kha thendelo ifhio na ifhio yo

dzheniwaho khayō nga Murādo a re na vhuḍifhinduleli na Zhendedzi nahone zwo gāḍiswa hu tshi tevhedzwa khethekanyo 7(3). nahone hu tshi tevhelwa khethekanyo (3) ya iyi khethekanyo, Zhendedzi li ḍo vha mutevheli a re mulayoni wa Muhasho kana [Muvhuso] Muvhuso wa Vundu malugana na, nahone li tea u shandukiswa u itela [Muhasho wa Vundu la Devhula wa Mishumo ya Vhathu] Muhasho kana [Muvhuso] Muvhuso wa Vundu kha, khontḥiraka kana thendelano ifhio na ifhio yo dzheniwaho khayō nga muthu ufhio na ufhio phanda ha datumu ya u tanganyiswa nga kana ho imelwa Muhasho (zwi tshi katela thendelano na masipala kana Premia wa liṇwe vundu), kana nga kana ho imelwa Murādo a re na vhuḍifhinduleli o imelaho [Muvhuso] Muvhuso wa Vundu (sa zwine zwa nga vha zwone), arali-“.

- (c) nga tshandukiso u itela phara (a) ya khethekanyo tḥukhu (3) ya phara i tevhelaho:

“(3)(a) Nga nḍa ha musi mbetshelo iṇwe ifhio na ifhio yo itwa nga kha thendelano yo dzheniwaho khayō nga Murādo a re na vhuḍifhinduleli na Zhendedzi nahone zwo gāḍiswa hu tshi tevhedzwa khethekanyo 7(3) [____

(i)] matshimbidzele afhio na afhio a re mulayoni a katelaho khonthiraka kana u pfukwa ha mbilo yo wanalaho kha nyito yo itwaho yo vhaho hone phanda ha datumu ya u tanganywa, [i tṭshelanaho na kana i bvaho] i tṭshelanaho na kana i bvaho kha u lambedzwa, mbumbo, u shumiswa, ndangulo, u langa, ndondolo na mbueledzo ya bada dza vundu fhasi ha Mulayo wa Vundu wo fhiraho nahone u ḍiswaho nga murahu ha datumu ya u tanganywa, a tea u thomiwa nga kana zwi tshi fhambana na [Muvhuso] Muvhuso wa Vundu sa zwo imelwaho nga Murādo a re na vhuḍifhinduleli.”.

Tshandukiso ya khethekanyo 72 ya Mulayo 7 wa 1998

17. Khethekanyo i tevhelwaho i khou shandukiswa u itela khethekanyo 72 ya Mulayo muhulwane:

“72. Mulayo u vhofha [muvhuso] Muvhuso wa Vundu.- Mulayo uyu u vhofha [Muvhuso] Muvhuso wa Vundu.”.

Tshandukiso ya khethekanyo 73 ya Mulayo 7 wa 1998

18. Khethekanyo i tevhelaho i khou shandukiswa u itela khethekanyo ya Mulayo muhulwane:

"73. Dzina lipfufhi.- (1) Mulayo uyu u vhidzwa Mulayo wa Dzibada wa Vundu na Zhendedzi la Vhune lo Elwaho la Dzibada dza Vundu la Devhula, 1998."

Dzina lipfufhi

19. Uyu Mulayo u vhidzwa upfi Mulayo wa Khwiniso wa Zhendedzi la Bada lo Elwaho wa Vundu la Devhula na Dzibada dza Vundu, 2001.

MEMORANDUMU WA THALUSO NGA HA NDIVHO DZA MULAYOTIBE
WA KHWINISO WA DZIDABA DZA VUNDU NA ZHENDEDEZI LA
DZIDABA LO ELWAHO LA VUNDU LA DE VHULA, 2001

SIANGANE

Vhusimamilayo ha Vundu la Devhula ho thoma Zhendedzi la Dzidaba la Vundu la Devhula nga kha Mulayo wa Dzidaba dza Vundu na Zhendedzi la Dzidaba lo Elwaho la Vundu la Devhula, 1998 (Mulayo No. 7 wa 1998) ("Mulayo") we wa phasiswa nga 12 Lara 1998, nahone we wa tendelwa nga Premia nga 7 Phando 1999. Mulayo wo andadzwa lwo fanelaho kha Gazethe ya Vundu i si ya nga Misi No. 398 nga 23 Thafamuhwe 1999.

Mulayo u ita mbetshelo u itela u redzhistara kana u tangana ha Zhendedzi la Dzidaba la Vundu la Devhula sa khamphani ya vhathu. Hu tshi tevhedzwa Mulayo kha tshivhumbeo tshine wa vha kha tsho zwino, Zhendedzi la Dzidaba la Vundu la Devhula li do thomiwa nga kha musi lo tanganywa na Muvhuso wa Vundu sa mufaramukovhe u wotlhe sa khamphani ya vhathu, hu sa thivhelwi t hodea dza Mulayo wa Dzikhamphani une wa amba uri haneffa kha vhathu vha sumbe vha tea u vha vhafaramikove vha khamphani ya vhathu. Nga nthani ha zwenezwo, vhukondi ho tanganiwa naho kha u redzhistara ha Zhendedzi la Dzidaba la Vundu la Devhula, nga nthani ha khudano dzo bulwaho vhukati ha Mulayo na Mulayo wa Dzikhamphani. Thasuluso ya thaidzo ndi u khwinisa Mulayo u itela u konisa Zhendedzi la Dzidaba la Vundu la Devhula uri li redzhistare sa khamphani ya phuraivethe i re na mufaramukovhe muthihi. Davhi 3 la Mulayotibe, line la khwinisa khethekanyo 3 ya Mulayo, li toda u shumana na nyimele yo bulwaho afho ntha.

Mulayo wa Dzikhamphani u ita mbetshelo u itela u redzhistara ha murado muthihi malugana na khamphani ya phuraivethe i re na mukovhe wa pfuma. U dovha hafhu wa netshedza uri khamphani ya phuraivethe i kone u tanganywa na muthu a badelaho tshifhinga tshothe muthihi. Muvhuso wa Vundu sa muthu a re mulayoni u nga kona

nga u ralo u vha murado u wotlhe na muthu a badelaho tshifhinga tshotlhe wa khamphani ya phuraivethe

Mulayo u kha tshivhumbeo tshine wa vha khatsho zwino u ita mbetshelo u itela vhaimeleli vha Mhasho wa Gwama u vha murado wa Bodo fhedzi a u dzhieli nzhele tshipida tsha ndeme tshine Mhasho wa Mishumo ya Vhathu na Mhasho wa Vhuendi ha Vhathu ya tea u shuma sa vhashelamulenzhe vha re na dzangalelo. Davhi 8 la Mulayotibe li toda u shumana na nyimele iyo nga u khwinisa Mulayo u itela uri u kone u katela vhaimeleli kha Bodo.vha Mhasho yo bulwaho

Mulayotibe u dzhenisa dziñwe tshandavhudzo kha Mulayo u itela u hudza u bvisela khagala. Dziñwe khwiniso dzi tevhelaho dziñwe dzo itwa kha tshandavhudzo dzi re hone sa mvelelo dza u phumulwa ha muñwe mulayo sa Mulayo wa U Pfukekanya wa Muvhuso Wapo, 1993.

Tsha u fhedzisela, Mulayotibe u tanganya mbalo ya khwiniso dzi yelanaho na Mulayo, u itela u fhelisa u kanakana khawo.

U KWAMEA HA MASHELENI

A huna

U KWAMEA HA MULAYOTIWA

A huna

U KWAMEA HA ZWIKO ZWA VHATHU NA VHULANGULI

A huna

U KWAMEA HA VHUDAVHIDZANI

A huna

MADZANGANO/ VHASHELAMULENZHE VHO KWAMIWAHO

Mhasho wa Mishumo ya Vhathu

Mhasho wa Vhuendi

Muhasho wa Gwama

Vhaeletshedzi vha Mulayo vha Muvhuso

TSAUKANYO YA DAVHI NGA DAVHI

Davhi 1

Ili davhi li shumana na dziṭhandavhudzo.

Davhi 2

Kha ili davhi ipfi “devhula” lo no di thuthiwa sa izwo ipfi ‘Vundu’ lo no di ṭandavhudzwa uri li ambe Vundu la Devhula.

Davhi 3

Ili davhi li shandukisa tshiimo tsha khamphani u bva kha vhathu u ya kha khamphani ya phuraivethe nga u sdzuluswa ha ipfi “vhathu” nga ipfi “phuraivethe”. Davhi hafhu li ita uri muvhuso u vhe wone mushelamulenzhe hu tshi tevhelwa dziṛwe mbetshelo dza Mulayo.

Davhi hafhu li engedza ipfi “mu ṛe” zwi ṭutshelanaho na Mulayo wa Dzikhamphani, u itela u fhambanyisa khamphani ya phuraivethe kha ya vhathu. Ipfi “Muvhuso” lo imelwa hafhu nga ipfi “Muvhuso wa Vundu” u khwaṭhisedzaho zwauri a si muvhuso woṭhe une wa vha muraḁo wa Zhendedzi la Dzibada la Vundu la Devhula fhedzi hu na Muvhuso wa Vundu.

Davhi 4

Ili davhi li khwaṭhisedza zwauri Zhendedzi li kha nyengedzedzo u itela mbetshelo dza uyu Mulayo, nahone li vhoḥwa nga Mulayo wa Dzikhamphani.

Davhi 5

Ili davhi li thutha mbetshelo dza khethekanyo 6.

Davhi 6

Ili davhi li na tshanduko nga n ṭhani ha zwenezwo.

Davhi 7

Davhi 7 li na tshanduko nga n thani ha zwenezwo.

Davhi 8

Ili davhi li tanganya vhaimелеli vha Mihasho ya Vhuendi na Mishumo ya Nnyi na nnyi kha Zhendedzi.

Davhi 9

Ili davhi li na u vhumbwa hafhu ha ipfi u itela uri zwi pfesese.

Davhi 10

Ili davhi li toda u dzhenisa Mihasho miswa yo tanganyiwaho kha u laedzwa. Ili davhi hafhu li ita uri zwi konadzee u itela Murado wa Khorotshitumbe uri a bwise mirado u itela muhumbulo ufho na ufho wavhudi.

Davhi 11 – 18

Khwiniso dzi ngaho dzenedzo

Davhi 19

Dzina lipfufhi

KENNISGEWING 93 VAN 2001

NOORDELIKE PROVINSIE PAAIE AGENTSAP BEPERK EN
PROVINSIALE PAAIE WYSIGINGSWETSONTWERP, 2001

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet letters in vierkantige hakies dui weglatings uit bestaande wette aan.

_____ Woorde wat met 'n soliede lyn onderstreep is dui invoegings tot bestaande wette aan.

Om die Wet op die Noordelike Provinsie Paaie Agentskap en Provinsiale Paaie, 1998, te wysig ten einde voorsiening te maak vir die wysiging en invoeging van sekere woordskrywings; die toepassing van die Wet op Maatskappye, 1973, op die Noordelike Provinsie Paaie Agentskap; die verandering van die Noordelike Provinsie Paaie Agentskap van 'n openbare tot 'n privaat maatskappy; die wysiging van die kort titel; en om vir verwante aangeleenthede voorsiening te maak.

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

Wysiging van artikel 1 van Wet 7 van 1998

1. Artikel 1 van die Wet op die Noordelike Provinsie Paaie Agentskap en die Wet op Provinsiale Paaie, 1998 (Wet Nr 7 van die 1998), (waarin hierna as die "Hoofwet" verwys word), word hiermee gewysig -

(a) deur die vervanging van die definisie van "Departement" met die volgende woordskrywing:

"Departement" beteken die [Noordelike Provinsie Departement van Openbare Werke] departement verantwoordelik vir Openbare Werke in die Provinsie;";

(b) deur die vervanging van die woordskrywing van "munisipaliteit" met die volgende woordskrywing:

"munisipaliteit" beteken enige munisipaliteit soos beoog in die Plaaslike Regering : Wet op Munisipale Strukture, 1998 (Wet Nr 117 van 1998);";

(c) deur die vervanging vir die woordskrywing vir "Premier" met die volgende woordskrywing:

"Premier" beteken die Premier van die [Noordelike] Provinsie;";

(d) deur die invoeging na die woordskrywing van "vorige Ordonnansie" van die volgende woordskrywings:

“Provinsie” beteken die Noordelike Provinsie soos beoog in artikel 103(1)(g) van die Grondwet;”;

“Provinsiale Regering” beteken die regering van die Provinsie;”.

Wysiging van artikel 2 van Wet 7 van 1998

2. Artikel 2 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (1) met die volgende subartikel:

“(1) Daar sal ‘n provinsiale paaie agentskap wees vir die [Noordelike] Provinsie met die doel om beheer te neem van die finansies, bestuur, beheer, beplanning, ontwikkeling, onderhoud en herstel van die provinsiale paaie sisteem”.

Wysiging van artikel 3 van Wet 7 van 1998

3. Artikel 3 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van subartikel (1) met die volgende subartikel:

“(1) Die verantwoordelike Lid moet alle nodige stappe neem vir die daarstelling en inlywing van sodanige agentskap as ‘n [openbare] privaat maatskappy met ‘n aandeelkapitaal binne die bedoeling van die Wet op Maatskappye, onderworpe aan artikel 2, hierdie artikel en artikel 4.”;

- (b) deur die vervanging van subartikel (2) met die volgende subartikel:

“(2) [Ongeag die voorskrifte van die Wet op Maatskappye] Onderworpe aan enige ander voorskrif van hierdie Wet, sal die staat die enigste lid en aandeelhouer van sodanige maatskappy wees tydens sy inlywing en te enige tyd daarna.”;

- (c) deur die vervanging van paragraaf (b) van subartikel (3) met die volgende paragraaf:

“(b) die Registrateur van Maatskappye moet die memorandum van assosiasie en die aktes van assosiasie, soos deur die verantwoordelike Lid onderteken, registreer, en die maatskappy inkorporeer as ‘n openbare maatskappy onder die naam “Die Noordelike Provinsie Paaie Agentskap (Eiendoms) Beperk” met die [Staat] Provinsiale Regering as sy enigste lid en aandeelhouer, en ‘n sertifikaat aan die maatskappy uitreik om ‘n aanvang te neem met effek vanaf die datum van die maatskappy se inlywing.”;

- (d) deur die vervanging van paragraaf (a) van subartikel (4) met die volgende paragraaf:

“(a) Die [Staat se] Provinsiale Regering se regte as lid en aandeelhouer van die Agentskap moet deur die verantwoordelike lid uitgeoefen word.”;

(e) deur die vervanging van paragraaf (b) van subartikel (4) met die volgende paragraaf:

“(b) Die verwantskap tussen die Agentskap en die verantwoordelike Lid wat die [Staat] Provinsiale Regering verteenwoordig as die enigste lid en aandeelhouer, sal wees soos uiteengesit in ‘n ooreenkoms aangegaan deur die agentskap en die verantwoordelike Lid vir sodanige doel, onderworpe aan hierdie Wet.”.

Vervanging van artikel 5 van Wet 7 van 1998

4. Die volgende artikel vervang artikel 5 van die Hoofwet:

“5. Toepassing van Maatskappyyewet op Agentskap. – Die voorwaardes van die Maatskappyyewet is, tensy anders vermeld elders in hierdie Wet, van toepassing op die Agentskap.”.

Skrapping van artikel 6 van Wet 7 van 1998

5. Artikel 6 van die Hoofwet word hiermee geskrap.

Wysiging van artikel 7 van Wet 7 van 1998

6. Artikel 7 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van paragraaf (a) van subartikel (4) met die volgende paragraaf:

“(a) Die verantwoordelike Lid mag, deur kennisgewing in die *Provinsiale Koerant*”, verklaar dat enige roerende of nie-roerende eiendom wat behoort aan en onder die beheer is van die [Staat] Provinsiale Regering vir die doeleindes van die vorige Ordonnansie en wat in die kennisgewing gespesifiseer is, uitsluitend enige nie-roerende eiendom waarna in subartikel (2) (b) verwys word, sal oorgaan na en berus by die Agentskap op die datum soos in die kennisgewing vermeld.”;

(b) deur die vervanging van die woorde wat onmiddellik volg op die voorafgaande paragraaf (a) van subartikel 6 met die volgende woorde:

“(6) Waar die eienaarskap in enige bepaalde nie-roerende eiendom van die [Staat] Provinsiale Regering oorgegaan het na en berus by die Agentskap ingevolge subartikel (4), moet die Registrateur van Aktes, by die verskaffing van die kennisgewing wat uitgereik is ten opsigte van sodanige nie-roerende eiendom ingevolge sodanige artikel – “;

(c) deur die vervanging van subparagraaf (b) (ii) van subartikel 6 van die volgende subparagraaf:

“(ii) waar van toepassing, ‘n akte, toelaag of transportakte in die naam van die Agentskap uitreik ten einde die Agentskap se transport op sodanige eiendom te registreer.”.

Wysiging van artikel 8 van Wet 7 van 1998

7. Artikel 8 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van die woorde wat paragraaf (a) van subartikel (1) voorafgaan met die volgende woorde:

“(1) In ruil vir die netto waarde van die bates wat in die Agentskap ingevolge artikel 7 belê is, sal die [Staat] Provinsiale Regering, soos bepaal in ‘n ooreenkoms aangegaan tussen die Agentskap en die verantwoordelike Lid wat optree met die goedkeuring van die Lid van die Uitvoerende Raad [vir Finansies] verantwoordelik vir finansiële aangeleenthede in die Provinsie, met ten volle opbetaalde aandele in die Agentskap uitgereik word-”;

- (b) deur die vervanging van subartikel (2) met die volgende subartikel:

“(2) Indien die bedrag waarvoor aandele in die Agentskap uitgereik moet word aan die [Staat] Provinsiale Regering ingevolge subartikel (1), minder is as die netto waarde van die bates wat in die Agentskap belê is –

- (a) sal die Agentskap aan die [Staat] Provinsiale Regering verantwoordbaar wees vir ‘n bedrag gelykstaande aan die verskil tussen die netto waarde van die bates as sulks belê en die waarde van die aandele as sulks uitgereik;
- (b) die terme en voorwaardes van sodanige lening moet uiteengesit word in die ooreenkoms waarna in subartikel (1) verwys word; en
- (c) in sodanige ooreenkoms mag voorsiening gemaak word dat die Agentskap aan die [Staat] Provinsiale Regering skuldbriewe uitreik vir die totale of enige gedeelte van die bedrag van die lening.”.

Wysiging van artikel 12 van Wet 7 van 1998

8. Artikel 12 van die Hoofwet word hiermee gewysig-

- (a) deur die vervanging van paragraaf (a) van subartikel (3) met die volgende paragraaf:

“(a) die persoon moet ‘n verteenwoordiger wees van die [Noordelike Provinsie se Departement van Finansies wat] Departement verantwoordelik vir finansiële aangeleenthede van die Provinsie, wat deur Die Departement genomineer is; en”;

- (b) deur die invoeging onmiddellik na paragraaf (a) van subartikel (3) met die volgende paragrawe:

“(aA) die persoon moet ‘n verteenwoordiger wees van die Departement verantwoordelik vir vervoeraangeleenthede in die Provinsie, wat deur die Departement genomineer is: en

“(bB) die persoon moet ‘n verteenwoordiger wees van die Departement verantwoordelik vir Openbare Werke in die Provinsie, wat deur die Departement genomineer is.”:

- (e) deur die vervanging van paragraaf (d) van subartikel (3) met die volgende paragraaf:

“(d) [vyf] drie, moet persone wees met spesiale kwalifikasies, vaardighede en deskundigheid, of ervaring in aangeleenthede aangaande provinsiale paaie, of die besigheid of bedryf van die Agentskap.”.

- (d) deur die vervanging van subartikel (5) met die volgende subartikel:

“(5) In die toepassing van die Maatskappywet op die Agentskap, sal die Hoof Uitvoerendebeampte geag en behandel word as die Agentskap se besturende direkteur en die ander lede van die Raad as direkteure.”;

Wysiging van artikel 13 van Wet 7 van 1998

9. Artikel 13 van die Hoofwet word hiermee gewysig deur die vervanging van paragraaf (b) van subartikel (3) met die volgende paragraaf:

“(b) Nietemin, ‘n aangestelde lid wat ‘n pos, of amp, in, of onder, sodanige departement, administrasie, of organisatoriese komponent beklee, met die toestemming van sodanige lid se werkgever en die Lid van die Uitvoerende Raad [vir Finansies] verantwoordelik vir finansiële aangeleenthede in die Provinsie kan ‘n honorarium betaal word vir dienste gelewer as lid van die Raad, welke honorarium, wat deur die verantwoordelike Lid bepaal sal word in ooreenstemming met die Lid van die Uitvoerende Raad [vir Finansies] verantwoordelik vir finansiële aangeleenthede in die Provinsie.”.

Wysiging van artikel 14 van 1998

10. Artikel 14 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van paragraaf (c) van subartikel (1) met die volgende paragraaf:

“(c) in die geval van ‘n lid [wat die Noordelike Provinsie Departement van Finansies verteenwoordig] waarna in paragrawe (3)(a), (3)(aA), 3 aB) van artikel 12 verwys word, wanneer [sodanige] die betrokke Departement die verantwoordelike Lid skriftelik versoek het om ‘n ander verteenwoordiger te vervang as sy diensdoenende verteenwoordiger op die Raad.”;

- (b) deur die vervanging van paragraaf (a) van subartikel (3) met die volgende paragraaf:

“(e) indien die Lid verantwoordelik die verwydering van sodanige lid raadsaam ag.”.

- (c) deur die vervanging van paragraaf (a) van subartikel (3) met die volgende paragraaf:

“(a) ‘n Vakature in die amp van ‘n aangewese lid moet so gou doenlik deur die verantwoordelike Lid [van die Uitvoerende Raad] gevul word, deur die aanstelling van ‘n ander lid wat voldoen aan die vereistes soos uiteengesit in artikel 12(3) vir sodanige amp wat vakant geraak het.”

Wysiging van artikel 32 van Wet 7 van 1998

11. Artikel 32 van die Hoofwet word hiermee gewysig deur die vervanging van subparagraaf (ii) van subartikel (3)(b) met die volgende subparagraaf:

“(ii) die [Staat] Provinsiale Regering dra die koste van die projek en stel die nodige fondse aan die Agentskap vir sodanige doel beskikbaar.”.

Wysiging van artikel 33 van Wet 7 van 1998

12. Artikel 33 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van paragraaf (a) van subartikel (1) met die volgende paragraaf:

“(a) Die [Provinsie] Provinsiale Regering, wat deur die verantwoordelike Lid verteenwoordig word, mag lenings aan die Agentskap toestaan vanuit die gelde wat deur die Wetgewer vir sodanige doel beskikbaar gestel word.”;

- (b) deur die vervanging van paragraaf (b) van subartikel (1) met die volgende paragraaf:

“(b) Die Agentskap sal rente op sodanige lening betaal teen ‘n koers wat deur die verantwoordelike Lid bepaal sal word in ooreenstemming met die Lid van die Uitvoerende Raad [vir Finansies] verantwoordelik vir finansiële aangeleenthede in die Provinsie, en moet die lening in paaielemente terugbetaal binne die tydperk wat bepaal is deur die verantwoordelike Lid wat as sodanig optree.”;

- (c) deur die vervanging van subartikel (2) met die volgende subartikel:

“(2)(a) Die Agentskap, mag slegs met die skriftelik toestemming van die verantwoordelike Lid toegestaan met die skriftelike ooreenkoms van die Lid van die Uitvoerende Raad [vir Finansies] verantwoordelik vir finansiële aangeleenthede in die Provinsie en die skriftelike ooreenkoms van die Nasionale Minister van Finansies, lenings by enige ander bronne aangaan om

enige uitgawes te finansier wat deur die Agentskap aangegaan is gedurende enige finansiële jaar vir die doeleindes van beplanning, ontwerp, konstruksie, onderhoud of herstel van enige provinsiale pad.

- (b) Die toestemming mag verleen word onderworpe aan enige voorwaardes wat deur die verantwoordelike lid bepaal word met die goedkeuring van die Lid van die Uitvoerende Raad [vir Finansies] verantwoordelik vir finansiële aangeleenthede in die Provinsie;

(d) deur die vervanging van subartikel (3) met die volgende subartikel:

“(3) Die [Provinsie] Provinsiale Regering, verteenwoordig deur die verantwoordelike Lid wat optree met die skriftelike toestemming van die lid van die Uitvoerende Raad [vir Finansies] verantwoordelik vir finansiële aangeleenthede in die Provinsie en die Nasionale Minister van Finansies mag enige lening waarborg wat deur die Agentskap ingevolge subartikel (2) aangegaan word.”.

Wysiging van artikel 34 van Wet 7 van 1998

13. Artikel 34 van die Hoofwet word hiermee gewysig deur die vervanging van die woorde wat onmiddellik volg op die voorafgaande paragraaf (a) van subartikel (1) met die volgende woorde:

“(1) Die Agentskap is afhanklik van fondse vanaf die [Noordelike Provinsie Regering] Provinsiale Regering vir sodanige paaie wat nie self-finansierend is nie en voorts word die Agentskap befonds en met kapitaal voorsien vanuit –“.

Wysiging van artikel 35 van Wet 7 van 1998

14. Artikel 35 van die Hoofwet word hiermee gewysig deur die vervanging van subartikel (5) met die volgende subartikel:

“(5) Enige sake- en finansiële plan en strategiese plan moet deur die Agentskap bekend gemaak word deur publikasie daarvan in die *Provinsiale Koerant*, maar, indien daarvan oortuig dat onder die omstandighede die belange van die publiek vereis dat groter prominensie aan sodanige plan gegee moet word, mag die verantwoordelike Lid instruksie gee vir die verdere publikasie van die plan, teen die rekening van die [Staat] Provinsiale Regering, in een of meer koerante wat landwyd versprei word.”.

Vervanging van artikel 39 van Wet 7 van 1998

15. Die volgende artikel vervang hiermee artikel 39 van die Hoofwet:

“39. **Provinsiale Paaie Beleid.**-(1) Die [Regering se] Provinsiale Regering se beleid ten opsigte van provinsiale paaie moet van tyd tot tyd deur die verantwoordelike Lid bekend gemaak word deur kennisgewing in die *Provinsiale Koerant*. Die kennisgewing moet, onder andere, melding maak van –

- (a) die doelwitte met betrekking tot provinsiale paaie wat die [regering] Provinsiale Regering hoop om te bereik; en
 - (b) die beleidsoogmerke wat gevolg sal word om sodanige doelwitte te bereik.
- (2) Wanneer enige voorstelle wat betrekking het op die daarstelling of wysiging van die provinsiale paaie beleid oorweeg moet word en daarvoor besluit moet word deur die [regering] Provinsiale Regering, moet die verantwoordelike Lid van die Uitvoerende Raad deur die publikasie van 'n kennisgewing in die *Provinsiale Koerant* sodanige voorstelle bekend maak en in sodanige kennisgewing belangstellende persone en die publiek uitnoodig om kommentaar op die voorstelle en insette daarop te lewer.
- (3) Die Agentskap moet sy sake- en finansiële plan en strategiese plan en die standaarde en kriteria vir padontwerp en -konstruksie vasstel asook vir padveiligheid binne die raamwerk van die provinsiale paaie beleid soos bepaal deur die [regering] Provinsiale Regering and gepubliseer ingevolge subartikel (1)."

Wysiging van artikel 71 van Wet 7 van 1998

16. Artikel 71 van die Hoofwet word hiermee gewysig –

- (a) deur die vervanging van subartikel (2) met die volgende subartikel:

"(2) Behalwe waar 'n ander voorsiening deur hierdie Wet gemaak word of in enige ooreenkoms aangegaan tussen die verantwoordelike Lid en die Agentskap wat ooreenkomstig artikel 7(3) gepubliseer is, en onderworpe aan subartikel (3) van hierdie artikel, sal die Agentskap die wettige opvolger wees van die Departement of die [Staat] Provinsiale Regering met betrekking tot, en moet vervang word deur die [Noordelike Provinsie Departement van Openbare Werke] Departement of die [Staat] Provinsiale Regering in, enige kontrak of ooreenkoms aangegaan met enige persoon voor die inlywingsdatum deur of namens die Departement (insluitend 'n ooreenkoms met 'n munisipaliteit of die Premier of ander provinsie), of deur of namens die verantwoordelike Lid wat die [Staat] Provinsiale Regering (soos die geval mag wees), indien-";

- (b) deur die vervanging van paragraaf (a) van subartikel (3) met die volgende paragraaf:

"(3) (a) Tensy enige ander voorsiening gemaak is in 'n ooreenkoms aangegaan deur die verantwoordelike Lid en die Agentskap wat ingevolge artikel 7(3) [-

(i)] enige wetlike verrigtinge wat 'n kontraktuele of deliktereg eis behels wat berus op 'n oorsaak of rede wat voor die inlywingsdatum ontstaan het, [verwys na of ontstaan] wat verband hou met of ontstaan het uit die finansiering, konstruksie, bedryf, bestuur, beheer, onderhoud of herstel van 'n provinsiale pad onder die vorige Ordonnansie en wat aanhangig gemaak is na

die inlywingsdatum, moet ingestel word deur en teen die [Staat] Provinsiale Regering soos deur die verantwoordelike Lid verteenwoordig.”.

Vervanging van artikel 72 van Wet 7 van 1998

17. Die volgende artikel word vervang deur artikel 72 van die Hoofwet:

“72. Wet bind die [staat] Provinsiale Regering.- Hierdie Wet bind die [Staat] Provinsiale Regering.”.

Vervanging van artikel 73 van Wet 7 van 1998

18. Die volgende artikel vervang artikel 73 van die Hoofwet:

“73. Kort titel. – (1) Hierdie Wet staan bekend as die Noordelike Provinsie Paaie Agentskap Eiendoms Beperk en Provinsiale Paaie Wet, 1998.”.

Kort titel

19. Hierdie Wet staan bekend as die Noordelike Provinsie Paaie Agentskap Beperk en Provinsiale Paaie Wysigingswet, 2001.

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