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

(Registered as a newspaper) • (As 'n nuusblad geregistreer)
(Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisitšwe bjalo ka Kuranta)
(Yo redzhistariwa sa Nyusiphepha)

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PIETERSBURG,

Vol. 8
Extraordinary

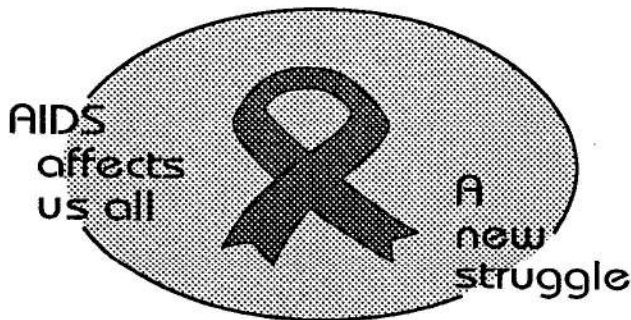
Ku katsa na Tigazete to
Hlawuleka hinkwato

24 OCTOBER 2001
24 OKTOBER 2001
24 NHLANGULA 2001
24 OKTOBERE 2001
24 TSHIMEDZI 2001

No. 737
Buitengewoon

Hu tshi katelwa na
Gazethe dza Nyingo

We all have the power to prevent AIDS



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DEPARTMENT OF HEALTH

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PROVINCIAL NOTICE

OFFICE OF THE PREMIER

No. 39**24 October 2001**

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

No. 5 of 2001: Northern Province Archives Act, 2001.

ACT

To provide for the establishment of Provincial Archives of the Northern Province; the proper management and care of records of governmental bodies in the Northern Province; the preservation and use of the Northern Province archival heritage; the establishment of the Archives Council; and to provide for matters connected therewith.

(English text signed by the Premier)
(Assented to on 12-10-2001)

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

Definitions

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

"appraisal" means the archival function of determining the eventual disposal of records;

"archives" means records in the custody of an archives repository in the Province

"archives repository" means any archives repository referred to in section 11 (1);

"Archivist" means the Archivist referred to in section 2;

"Council" means the Archives Council referred to in section 6;

"custody" means the control of records based upon their physical possession;

"disposal authority" means a written authority issued in terms of section 13(2)(a) specifying records to be transferred to the custody of the Provincial Archives or specifying records to be otherwise disposed of;

"electronic records system" means any records system in which information is generated electronically and stored by means of computer technology;

"governmental body" means any legislative, executive, judicial or administrative organ of the State (including a statutory body) at the provincial and local levels of government in the Province;

"head of a governmental body" means the accounting officer of a governmental body or the person who is acting as such;

"Legislature" means the Legislature of the Province;

"MEC" means the Member of the Executive Council responsible for the administration of this Act ;

"non-public record" means a record created or received by a private individual or a body other than one defined as a governmental body in terms of this Act or any other law pertaining to records or archives;

"prescribed" means prescribed by regulations;

"Province" means the Northern Province;

"Provincial Archives" means the Archives of the Province established by section 2 of this Act;

"public record" means a record created or received by a governmental body in pursuance of its activities;

"record" means recorded information regardless of form or medium;

"records classification system" means a classification plan for the identification, arrangement, storage and retrieval of records;

"regulation" means any regulation made under this Act; and

"this Act" includes the regulations.

ESTABLISHMENT OF ARCHIVES OF PROVINCE

2. (1) An Archives of the Northern Province known as the Provincial Archives is established; and
- (2) The Provincial Archives are managed by the Archivist, who is appointed by the MEC on the basis of the Archivist's professional experience and appropriate archival qualification.

OBJECTIVES AND FUNCTIONS OF ARCHIVES

3. The objectives and functions of the Archives are to-
 - (a) preserve public and non-public records with enduring value for use by the public and the State;
 - (b) make such records accessible and promote their use by the public;
 - (c) ensure the proper management and care of all public records;
 - (d) collect non-public records with enduring value and of Provincial significance, which cannot be preserved by another institution, with due regard to the need to document aspects of the nation's experience neglected by archives repositories in the past;

- (e) promote co-operation and co-ordination between institutions having custody of non-public records with enduring value;
- (f) promote an awareness of archives and records management and encourage archival and records management activities and organisations; and
- (g) generally promote the preservation and use of a provincial archival heritage.

ARCHIVIST AND STAFF

- 4. (1) The Archivist must in the performance of the Archivist's functions be assisted by officers and employees appointed in terms of the Public Service Act, 1994 (Proclamations 103 of 1994).
- (2) (a) The Archivist may, subject to any conditions, delegate powers or assign duties to a member of the staff and may at any time withdraw such delegation or assignment.
- (b) The delegation or assignment must not divest the Archivist of the power delegated or duty assigned to the Archivist and the Archivist may at any time amend or set aside any decision made in terms thereof, or exercise the power or perform the duty concerned.

POWERS AND DUTIES OF ARCHIVIST

- 5. (1) The Archivist must-
 - (a) take such measures as are necessary to arrange, describe and retrieve records;
 - (b) provide information, consult, conduct research and render other services related to records;
 - (c) with special emphasis on activities designed to reach out to less privileged sectors of society, make known information concerning records through means such as publications, exhibitions and the lending of records; and
 - (d) require a person who has made use of records in the Provincial Archives while researching a publication or dissertation to furnish a copy of the publication or dissertation to the Provincial Archives.

- (2) The Archivist may-
- (a) provide training in archival techniques and the management of records;
 - (b) co-operate with organisations interested in archival matters or the management of records;
 - (c) provide professional and technical support in aid of archival activities and the archival community; and
 - (d) with the concurrence of the MEC and the Council exempt a governmental body from any provision of this Act.

ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF ARCHIVES COUNCIL

6. (1) The MEC may by notice in the Gazette establish a council to be known as the Northern Province Archives Council.
- (2) The Council will consist of the Archivist and not more than nine other members appointed by the MEC from among persons who are knowledgeable of, or have an interest in, archival matters.
- (3) The procedures and other conditions for appointment as a member of the Council must be as prescribed.
- (4) The functions of the Council are to-
- (a) advise the MEC on any matter related to the operation of this Act;
 - (b) advise and assist the Archivist in carrying out the objects and functions of the Provincial Archives;
 - (c) promote the co-ordination of archival policy formulation and planning in the province;
 - (d) approve the appraisal policy of the Provincial Archives and monitor its implementation; and
 - (e) maintain a list of non-public records in the Province which, in the opinion of the Council, have enduring value.

- (f) exercise the powers referred to in sections 5(2)(d) and 12(3) of this Act;
- (5) The Council may appoint committees from amongst the Council members and may assign to any committee so appointed, such of the Council's functions as it may deem fit, but the Council must not be divested of any function which the Council has so assigned and may amend or revoke a decision of such a committee.
- (6) The procedure at meetings of the Council and of a committee must be as prescribed.
- (7) The Council or any committee may co-opt any person to serve on the Council or on a committee, as the case may be, in an advisory capacity, but such a co-opted member must not have any voting rights.
- (8) An ordinary member or a co-opted member referred to in subsection (7), who is not in the full-time service of the State, must be paid from the funds of the Council, such travelling and other expenses incurred by such member, in connection with the activities of the Council, as the MEC may determine with the concurrence of the Member of the Executive Council for Finance.

SECRETARY AND STAFF OF COUNCIL

- 7. (1) The work incidental to the performance of the functions of the Council must, subject to the directions of the Council, be performed by a secretary appointed by the Council on such conditions of service and at such remuneration and service benefits as the MEC, with the concurrence of the Member of the Executive Council for Finance, may determine.
- (2) The Secretary may be assisted, in the performance of the Secretary's functions by persons appointed by the Council on such conditions of service and at such remuneration and subject to such service benefits as the Council, may with the approval of the MEC, granted with the concurrence of the Member of the Executive Council for Finance, determine.

FUNDS OF COUNCIL

- 8. (1) The funds of the Council must consist of-
 - (a) money appropriated by the Legislature;
 - (b) money accruing to the Council from any other source.

- (2) The Secretary of the Council must open an account in the name of the Council with an institution registered as a bank in terms of the Bank Act, 1990 (Act No. 94 of 1990), and must deposit in that account all monies received in terms of this section.
- (3) The Council must utilise the Council's funds for the defrayment of expenses incurred in the performance of the Council's functions under this Act.
- (4) The Council must in each financial year, at a time determined by the MEC, submit a statement of the Council's estimated income and expenditure for the following financial year to the MEC for approval, granted with the concurrence of the Member of the Executive Council for Finance.
- (5) The expenses of the Council in a given financial year must not exceed the total amount approved in terms of subsection (4).

ACCOUNTABILITY

9. (1) The Secretary of the Council is be the accounting officer of the Council and must account for all money received and payments made by the Council.
- (2) The Accounting officer must-
 - (a) keep full and correct record of all money received or spent by the Council, and the assets and liabilities of the Council;
 - (b) as soon as possible after the end of the financial year of the Council, draw up annual financial details, showing money received by the Council, expenditure incurred by the Council and its assets and liabilities at the end of each financial year.
- (3) The financial year of the Council ends on 31 March in each year.
- (4) The records and annual financial statements mentioned in subsection (2), must be audited by the Auditor-General.

ANNUAL REPORTS

10. (1) At the end of each financial year, the Archivist must compile a report on all the activities of the Provincial Archives for that financial year and the Council must compile a report on all the activities of the Council for that financial year.
- (2) The report of the Archivist must include-

- (a) details of income and expenditure;
 - (b) a complete list of disposal authorities issued;
 - (c) an account of all cases of unauthorised disposal of public records investigated by the Provincial Archives; and
 - (d) an account of all governmental bodies which have failed to comply with this Act.
- (3) (a) The report of the Archivist and of the Council, together with the audited annual financial statements pertaining to the funds of the Council must be submitted to the MEC; and
- (b) the MEC must table the reports referred to in paragraph 3 (a) in the Legislature within 14 days after receipt thereof if the Legislature is in session, or if the Legislature is not then in session, within 14 days of the commencement of the session.

CUSTODY AND PRESERVATION OF RECORDS

11. (1) The MEC may from to time establish archives repositories under the control of the Archivist for the custody and preservation records.
- (2) Public records identified in a disposal authority as having enduring value must be transferred to an archives repository when they have been in existence for 20 years but-
- (a) no other law requires such records to be kept in the custody of a particular governmental body or person;
 - (b) the Archivist may, after consultation with the head of a governmental body, identify records which –
 - (i) should remain in the custody of a governmental body; or
 - (ii) should be transferred to an archives repository before they have been in existence for 20 years.
 - (c) the Archivists may defer the transfer of any public records;
 - (d) the Archivist may grant permission for any public records to be transferred to an archives repository before they have been in existence for 20 years.

- (3) The MEC may prescribe terms and conditions governing the transfer of records under subsection (2).
- (4) The Archivist must take such measures as are necessary to preserve and restore records.

ACCESS AND USE

- 12. (1) Subject to any other law which deals with access to public records-
 - (a) a public record in the custody of the Provincial Archives must be available for public access if a period of 20 years has lapsed since the end of the year in which the record came into existence; and
 - (b) access to a public record of which a period of 20 years has not lapsed since the end of the year in which the record came into existence, may be given by the Archivist on request.
- (2) A non-public record in the custody of the Archives Service must be available for public access subject to any conditions agreed upon at its acquisition in terms of section 14(1) of this Act.
- (3) Despite subsections (1) and (2), the Archivist may refuse access to a record on the ground of its fragile condition, but there must be a right of appeal to the Council against the refusal.

MANAGEMENT OF PUBLIC RECORDS

- 13. (1) Subject to the provisions of this Act, the Archivist is charged with the proper management and care of public records in the custody of governmental bodies.
- (2) Without limiting the generality of subsection (1) –
 - (a) no public record under the control of a governmental body must be transferred to an archives repository, destroyed, erased or otherwise disposed of without the written authorisation of the Archivist, issued subject to-
 - (i) Section 6 (4)(d) of this Act; and
 - (ii) a final ruling by the MEC when unresolvable differences arise between the Archivist and the Council.

- (b) the Archivist must-
 - (i) determine records and classification systems to be applied by governmental bodies;
 - (ii) determine the conditions subject to which electronic records systems should be managed;
 - (iii) determine the conditions subject to which records may be microfilmed or electronically reproduced ;
 - (c) the Archivist must inspect public records in so far as such inspection may be necessary for the performance of the Archivist's functions under this Act, but the inspection of public records which contain information the disclosure of which is restricted by any other law must be done only with the consent of the head of the governmental body concerned.
- (3) The Archivist may from time to time issue directives and instructions, which must consistent with the regulations, as to the management and care of public records in the custody of governmental bodies.
- (4) (a) The head of a governmental body must, subject to any law governing the employment of personnel of the governmental body concerned and such requirements as may be prescribed, designate an official of that governmental body to be the records manager of that body.
- (b) The records manager must see to it that the governmental body complies with the requirements of this Act.
- (c) Additional powers and functions of the records manager may be prescribed.

ACQUISITION AND MANAGEMENT OF NON-PUBLIC RECORDS

14. (1) The Archivist may on behalf of the State, acquire by purchase, donation or on loan, for a temporary period or in perpetuity, either unconditionally or subject to such conditions as may be agreed upon, non-public records which in the Archivist's opinion have enduring value and provincial significance and which cannot be more appropriately preserved by another institution.
- (2) Subject to any conditions as may be applicable, non-public records acquired under subsection (1) must be deposited in the archives repository determined by the Archivist.

- (3) No person or institution having non-public records in their custody which are recorded on the provincial list referred to in section 6 (4) (e) must destroy, export from the Province or otherwise dispose of such records without- take out of
- (a) reporting their intention to dispose of the records to the Council at least 90 days in advance of such action; and
- (b) getting the approval of the Council for such action.

TRANSITIONAL PROVISIONS

15. (1) A person who is the Director of Archives in the Department of Sport, Arts and Culture in the Province immediately prior to the coming into force of this Act must continue in office as the Archivist until the Archivist is appointed in terms of section 2 of this Act.
- (2) Records in the custody of the Director of Archives in the Department of Sport, Arts and Culture in the Province on the day immediately prior to the coming into force of this Act, are transferred to the Archivist subject to any conditions that were applicable to such records on that day.
- (3) Every person who was, immediately prior to the coming into force of this Act, a member of staff of the Archives Division of the Department of Sport, Arts and Culture in the Province must continue to be a member of staff of the Provincial Archives.

OFFENCES AND PENALTIES

16. (1) Any person who-
- (a) wilfully damages any public or non-public record under the control or a governmental body; and
- (b) otherwise than in accordance with this Act or any other law, removes, destroys or erases such record,
- is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years or both such fine and imprisonment.
- (2) Any person who fails to comply with section 14 (3) is guilty of an offence and liable on conviction to a fine not exceeding R10 000.
- (3) The Archivist may refuse to allow any person convicted of an offence in terms of subsection (1), access to an archives repository for such period as the Archivist may deem fit, subject to an appeal to the MEC.

REGULATIONS

17. (1) The MEC may make regulations as to-
- (a) the management and care of public records in the custody of governmental bodies.
 - (b) the admission of the public to archives repositories, making available, records for public access, and the use of equipment for making copies of, or extracts from, records in the custody of the Provincial Archives.
 - (c) the procedures and other conditions of appointment of Members of the Council;
 - (d) procedure at meetings of the Council and Committees;
 - (e) additional powers and functions of records managers; and
 - (f) all matters required, permitted or necessary be prescribed for the carrying out the provisions of this Act.

REPEAL OF LAWS

18. The following laws are hereby repealed-
- (a) Gazankulu Archives Act, 1976 (Act No. 6 of 1976);
 - (b) Venda Archives Act, 1976 (Act No. 10 of 1976); and
 - (c) Lebowa Archives Act, 1975 (Act No. 6 of 1975).

SHORT TITLE AND COMMENCEMENT

19. This Act is called the Northern Province Archives Act, 2001 and comes into operation on a date fixed by the Premier by proclamation in the Provincial Gazette.

PROVINSIALE KENNISGEWING

KANTOOR VAN DIE PREMIER

No. 39

24 Oktober 2001

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

No. 5 van 2001: Noordelike Provinsie Argiewe Wet, 2001.

(Engelse teks deur die Premier onderteken)
(Bekragtiging op 12-10-2001)

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

WOORDOMSKRYWINGS

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

“argiewe” die optekeninge in die bewaring van ‘n argiewebewaarplek in die Provinsie;

“argiewebewaarplek” enige argiewebewaarplek, soos na verwys in artikel 11(1)

“Argivaris” die Argivaris, soos na verwys in artikel 2;

“beskikkingsoutoriteit” die geskrewe magtiging, uitgereik kragtens artikel 13(2)(a) wat die optekeninge bepaal wat oorgeplaas word vir bewaring deur die Provinsiale Argiewe, of die bepaling van optekeninge wat op ‘n ander wyse oor beskik moet word;

“bewaring” die beheer oor optekeninge, gegrond op die fisiese besit daarvan;

“elektroniese optekenstelsel” enige optekeningstelsel waarin inligting elektronies voortgebring word en geberg word deur middel van rekenaartegnologie;

“hierdie Wet” sluit die regulasies in;

“hoof van ‘n regeringsinstansie” die rekenpligtigebeampte van ‘n staatsinstansie, of die persoon wat as sodanig waarneem;

“LUR” die Lid van die Uitvoerende Raad verantwoordelik vir die administrasie van hierdie Wet;

“nie-openbare optekening” ‘n optekening geskep, of ontvang deur ‘n private individu, of instansie anders as die een omskryf as ‘n regeringsinstansie kragtens hierdie Wet, of enige ander wet met betrekking op optekeninge, of argiewe;

“openbare optekening” ‘n optekening geskep, of ontvang deur ‘n regeringsinstansie in nastrewing van sy aktiwiteite;

“optekening” die opgetekende inligting, sonder inagneming van vorm of medium;

“optekening indelingstelsel” ‘n plan van indeling vir die identifisering, rangskikking, berging en herwinning van optekeninge;

“Provinsie” die Noordelike Provinsie;

“Provinsiale Argiewe” die Argiewe van die Provinsie, gevestig deur artikel 2 van hierdie Wet;

“Raad” die Argieweraad, soos na verwys in artikel 6;

“regeringsinstansie” enige wetgewende, uitvoerende, geregtelike, of administratiewe Staatsinstansie (wat ‘n statutêre instansie insluit), op provinsiale en plaaslike vlakke van regering in die Noordelike Provinsie;

“regulasie” enige regulasie gemaak volgens hierdie Wet;

“voorgeskryf” voorgeskryf deur regulasies;

“waardebepaling” die argivale funksie om die uiteindelijke beskikking van optekeninge te bepaal; en

“Wetgewer” die Wetgewer van die Provinsie.

VESTIGING VAN DIE ARGIEWE VAN DIE PROVINSIE

2. (1) ‘n Argief van die Noordelike Provinsie is gevestig.
- (2) Die Provinsiale Argiewe word bestuur deur die Argivaris wat deur die LUR aangestel word op grond van die professionele ervaring en toepaslike argivale kwalifikasie van die Argivaris.

OOGMERKE EN FUNKSIES VAN ARGIEWE

3. Die oogmerke en werk van die Argiewe is om –

- (a) die openbare en nie-openbare optekeninge van blywende waarde, te bewaar vir gebruik deur die publiek en die Staat;
- (b) sodanige optekeninge toeganklik te maak en om die gebruik daarvan deur die publiek te bevorder;
- (c) die geskikte bestuur en versorging van alle openbare optekeninge, te verseker;
- (d) nie-openbare optekeninge met blywende waarde en van Provinsiale belang, wat nie deur 'n ander instansie bewaar kan word nie, te versamel, met die nodige agting vir die behoefte om aangeleenthede uit die ervaring van die volk, op te teken; dit wat in die verlede deur argiefbewaarplekke verwaarloos is, of dit nagelaat het om te bewaar.
- (e) samewerking en koördinering tussen instansies wat die reg tot bewaring van nie-openbare optekeninge van blywende waarde het, te bevorder;
- (f) 'n bewustheid van argiewe- en optekeningbestuur te bevorder en argivale- en optekeningbestuur, -aktiwiteite en -organisasies aan te moedig; en
- (g) oor die algemeen die bewaring en gebruik van 'n provinsiale argivale erfenis, te bevorder.

ARGIVARIS EN PERSONEEL

- 4. (1) Die Argivaris moet in die uitvoer van die Argivaris se funksies, bygestaan word deur beamptes en werknemers soos aangestel kragtens die Wet op die Staatsdiens, 1994 (Proklamasie 103 van 1994).
- (2) (a) Die Argivaris mag, onderhewig aan sekere voorwaardes, magte delegeer of pligte toewys aan 'n lid van die personeel en mag ter enige tyd sodanige delegering of taaktoewysing, terugtrek.
- (b) Die delegering, of taaktoewysing, moet nie die Argivaris van die gedelegeerde mag, of taaktoewysing aan die lid van die personeel, ontnem nie en die Argivaris mag ter enige tyd enige besluit wysig, of opsy skuif wat daarkragtens gemaak is, of die mag uitoefen, of die betrokke plig uitvoer.

DIE MAGTE EN PLIGTE VAN DIE ARGIVARIS –

- 5. (1) Die Argivaris moet-
- (a) sodanige stappe neem en die nodige maatreëls instel om optekeninge te

rangskik, beskryf en te herwin;

- (b) inligting en konsultasie verskaf, navorsing doen en ander dienste lewer wat betrekking het op rekords;
- (c) met spesifiek klem op aktiwiteite wat daarop gemik is om uit te reik na minder bevoorregte sektore van die samelewing, inligting aangaande rekords bekend te maak deur middel van publikasies, uitstallings en die uitleen van rekords; en
- (d) van 'n persoon wat gebruik gemaak het van optekeninge in die Provinsiale Argiewe tydens navorsing vir 'n publikasie, of verhandeling, vereis om 'n kopie van die publikasie, of verhandeling aan die Provinsiale Argiewe te verskaf.

(2) Die Argivaris kan –

- (a) opleiding in argivale tegnieke en die bestuur van optekeninge, verskaf;
- (b) saamwerk met organisasies wat belanstel in argivale aangeleenthede, of die bestuur van optekeninge;
- (c) professionele en tegniese ondersteuning ten gunste van argivale aktiwiteite en die argivalegemeenskap, verskaf; en
- (d) in meewerking met die LUR en die Raad, 'n regeringsinstansie vryskeld van enige voorwaarde van hierdie Wet.

VESTIGING, GRONDWET EN FUNKSIES VAN DIE ARGIEWERAAD

6. (1) Die LUR kan deur kennisgewing in die *Staatskoerant*, 'n raad tot stand bring wat die Noordelike Provinsie Argieweraad, sal heet.
- (2) Die Raad moet bestaan uit die Argivaris en nie meer as nege ander lede aangesel deur die LUR vanuit mense met kundigheid oor, of belangstelling in argivale aangeleenthede, nie.
- (3) Die prosedures en ander voorwaardes vir die aanstelling as 'n lid van die Raad, moet plaasvind soos voorgeskryf.
- (4) Die funksies van die Raad is om –
- (a) die LUR raad te gee aangaande enige verwante aangeleentheid in die uitvoer van hierdie Wet;

- (b) die Argivaris raad te gee en by te staan in die uitvoer van die oogmerke en funksies van die Provinsiale Argiewe;
 - (c) die formuleer van die argivalebeleid te koördineer, asook die beplanning in die Provinsie, te bevorder;
 - (d) die waardebepalingsbeleid van die Provinsiale Argiewe goed te keur, asook die implementering daarvan te monitor;
 - (e) 'n lys van nie-openbare optekeninge in die Provinsie, wat volgens die opinie van die Raad, blywende waarde het, te onderhou; en
 - (f) die magte uit te oefen waarna in artikels 5(2)(d) en 12(3) van hierdie Wet verwys word.
- (5) Die Raad mag komitees vestig, asook lede aanstel vanuit lede van die Raad en hulle kan taaktoewysings soos hulle goed dink maak aan enige komitee sodanig aangestel, maar die Raad mag nie ontnem word van enige funksie wat hulle sodanig toegewys het nie en mag 'n besluit van sodanige komitee wysig, of herroep.
- (6) Die prosedure tydens vergaderings van die Raad en van 'n komitee, moet soos voorgeskryf, plaasvind.
- (7) Die Raad of enige komitee kan enige persoon koöpteer om in die Raad, of in 'n komitee te dien, soos die geval mag wees, in 'n raadgewende posisie, maar sodanige gekoöpteerde lid het nie enige stemreg nie.
- (8) 'n Gewone lid of 'n gekoöpteerde lid soos na verwys in subartikel (7), wat nie in voltydse diens van die Staat is nie, moet betaal word uit die fondse van die Raad, soos vir reiskoste en ander uitgawes deur sodanige lid aangegaan, in verband met die aktiwiteite van die Raad, soos deur die LUR bepaal in meestemming met die Lid van die Uitvoerende Raad vir Finansies.

SEKRETARIS EN PERSONEEL VAN DIE RAAD

7. (1) Die werk bykomend tot die uitvoering van funksies van die Raad moet, onderworpe aan die aanwysings van die Raad, deur 'n sekretaris uitgevoer word wat deur die Raad aangestel is volgens sodanige diensvoorwaardes en teen sodanige vergoeding en diensvoordele as wat die LUR, in ooreenstemming met die Lid van die Uitvoerende Raad vir Finansies, kan bepaal.

- (2) Die Sekretaris kan bygestaan word, in die uitvoering van die Sekretaris se pligte deur persone wat deur die Raad aangestel is volgens sodanige diensvoorwaardes en onderworpe aan sodanige diensvoordele, as wat die Raad bepaal met die goedkeuring van die LUR, toestaan in ooreenstemming met die Lid van die Uitvoerende Raad vir Finansies.

DIE FONDSE VAN DIE RAAD

8. (1) Die fondse van die Raad moet bestaan uit –
- (a) gelde bewillig deur die Wetgewer;
 - (b) gelde wat die Raad van enige ander bron af toeval.
- (2) Die Sekretaris van die Raad moet 'n bankrekening oopmaak by 'n instansie geregistreer as 'n bank kragtens die Wet op Banke, 1990 (Wetnr 94 van 1990) in die naam van die Raad en moet alle gelde wat kragtens hierdie artikel ontvang word, in daardie rekening deponeer.
- (3) Die Raad moet die Raad se fondse gebruik vir die aflos van uitgawes aangegaan in die uitvoering van die Raad se funksies onder hierdie Wet.
- (4) Die Raad moet in elke finansiële jaar, op 'n tydstip deur die LUR bepaal, 'n staat met die Raad se geskatte inkomste en uitgawes vir die volgende finansiële jaar, aan die LUR vir goedkeuring, voorlê, toegestaan met die meestemming van die Lid van die Uitvoerende Raad vir Finansies.
- (5) Die uitgawes van die Raad in 'n gegewe finansiële jaar, mag nie die totale bedrag soos goedgekeur kragtens subartikel (4), oorskry nie.

TOEREKENBAARHEID

9. (1) Die Sekretaris van die Raad is die Rekenpligtigebeampte van die Raad en moet verantwoording doen vir alle gelde ontvang, asook uitbetalings gemaak, deur die Raad.
- (2) Die Rekenpligtigebeampte moet –
- (a) 'n volledige en korrekte rekord hou van alle gelde ontvang, of uitgegee deur die Raad; asook van die bates en laste van die Raad;
 - (b) so gou as moontlik, na die einde van die finansiële jaar van die Raad,

jaarlikse finansiële besonderhede optrek, wat die gelde aandui wat deur die Raad ontvang is, uitgawes deur die Raad aangegaan en sy bates en laste aan die einde van elke finansiële jaar.

- (3) Die finansiële jaar van die Raad eindig op 31 Maart van elke jaar.
- (4) Die rekords en jaarlikse finansiële state genoem in subartikel (2), moet deur die Ouditeur-Generaal geouditeer word.

JAARVERSLAE

- 10. (1) Aan die einde van elke finansiële jaar moet die Argivaris 'n verslag saamstel oor al die aktiwiteite van die Provinsiale Argiewe vir daardie finansiële jaar en die Raad moet 'n verslag saamstel oor al die aktiwiteite van die Raad vir daardie finansiële jaar.
- (2) Die verslag van die Argivaris moet die volgende insluit –
 - (a) besonderhede van inkomste en uitgawes;
 - (b) 'n volledige uitgereikte lys van beskikkingsmagtigings;
 - (c) 'n opname van alle gevalle van ongeoorloofde beskikkings van openbare optekeninge soos ondersoek deur die Provinsiale Argiewe; en
 - (d) 'n opname van al die regeringsinstansies wat nagelaat het om te voldoen aan hierdie Wet.
- (3) (a) Die verslag van die Argivaris en die Raad, saam met die geouditeerde jaarlikse finansiële state met betrekking tot die fondse van die Raad, moet aan die LUR voorgelê word; en
- (b) die LUR moet die verslae waarna in paragraaf 3(a) verwys word in die Wetgewer ter tafel lê binne 14 dae na die ontvangs daarvan indien die Wetgewer in sessie is, of as die Wetgewer nie dan in sessie is nie, binne 14 dae na die aanvang van die sessie.

BEWAKING EN BEWARING

- 11. (1) Die LUR kan van tyd tot tyd, argiewebewaarplekke onder beheer van die Argivaris vestig, vir die bewaking en bewaring van optekeninge.

- (2) Openbare optekeninge deur 'n beskikkingsoutoriteit as van blywende waarde geïdentifiseer, moet verplaas word na 'n argiewebewaarplek, nadat dit vir 20 jaar bestaan, maar –
- (a) dat geen ander wet vereis dat sodanige optekeninge in bewaring van 'n bepaalde regeringsinstansie, of persoon, gehou word nie;
 - (b) die Argivaris kan, na samesprekings met die hoof van 'n regeringsinstansie, die optekeninge identifiseer wat –
 - (i) in bewaring van 'n regeringsinstansie behoort te bly; of
 - (ii) behoort oorgeplaas te word na 'n argiewebewaarplek voordat dit vir 20 jaar bestaan het.
 - (c) die Argivaris kan die oorplaas van enige openbare optekeninge, vertraag;
 - (d) die Argivaris kan toestemming verleen vir enige openbare optekening om oorgeplaas te word na 'n argiewebewaarplek voordat dit vir 20 jaar bestaan het.
- (3) Die LUR mag terme en voorwaardes voorskryf wat die oorplaas van die optekeninge beheer, onder subartikel (2).
- (4) Die Argivaris moet sodanige maatreëls tref wat nodig is om die optekeninge te bewaar en te restoreer.

TOEGANG EN GEBRUIK

12. (1) Onderhewig aan enige ander wet wat die toegang tot openbare optekeninge hanteer :-
- (a) 'n openbare optekening in die bewaring van die Provinsiale Argiewe, moet beskikbaar wees vir openbare toegang indien 'n periode van 20 jaar verbygegaan het sedert die einde van die jaar waarin die optekening tot stand gekom het; en
 - (b) toegang tot 'n openbare optekening waarvan 'n periode van 20 jaar nog nie verbygegaan sedert die einde van die jaar waarin die optekening tot stand gekom het nie, kan op versoek deur die Argivaris, toegestaan word.

- (2) 'n Nie-openbare optekening in bewaring van die Provinsiale Argiewe moet beskikbaar wees vir openbaring toegang, onderhewig aan enige voorwaardes soos ooreengekom tydens die bekom daarvan, kragtens artikel 14(1) van hierdie Wet.
- (3) Tenspyte van subartikels (1) en (2), kan die Argivaris toegang tot 'n optekening weier op grond van die brose toestand daarvan, maar daar moet 'n reg tot appèl aan die Raad wees teen die weiering.

BESTUUR VAN OPENBARE OPTEKENINGE

- 13. (1) Onderhewig aan die voorwaardes van hierdie Wet, is die Argivaris verantwoordelik vir die geskikte bestuur en versorging van openbare optekeninge in die bewaring van regeringsinstansies.
- (2) Sonder beperking op die algemene aard van subartikel (1) –
 - (a) geen openbare optekening onder beheer van 'n regeringsinstansie, moet oorgeplaas word na 'n argiewebewaarplek, vernietig, uitgewis of op enige ander wyse oor beskik word, sonder die geskrewe magtiging van die Argivaris, uitgereik onderhewig aan –
 - (i) artikel 6(4)(d) van hierdie Wet; en
 - (ii) 'n finale beslissing deur die LUR indien daar 'n onoplosbare dispuut tussen die Argivaris en die Raad ontstaan;
 - (b) die Argivaris moet :-
 - (i) die optekeningstelsel asook die indelingstelsel wat deur die regeringsinstansies toegepas moet word, bepaal;
 - (ii) die voorwaardes bepaal waaronder elektroniese optekenstelsels bestuur behoort te word;
 - (iii) die voorwaardes bepaal waaronder optekeninge deur mikrofilm of elektronies gereproduseer kan word;
 - (c) die Argivaris moet openbare optekeninge nagaan, in soverre inspeksie nodig mag wees vir die uitvoer van die Argivaris se funksie onder hierdie Wet, maar die nagaan van openbare optekeninge wat beperkings deur enige ander wet bevat moet slegs gedoen word met die toestemming van die hoof van die betrokke staatsinstansie.
- (3) Die Argivaris kan van tyd tot tyd aanwysings en instruksies uitreik, wat oor-

eenstem met die regulasies, aangaande die bestuur en versorging van openbare optekeninge wat in die bewaring van regeringsinstansies is.

- (4) (a) Die hoof van 'n regeringsinstansie moet, onderhewig aan enige wet wat die beheer van die indiënsneming van personeel van die regeringsinstansie aangaan en sodanige voorgeskrewe vereistes, 'n beampte van sodanige staatsinstansie aanwys om op te tree as die bestuurder van optekeninge van daardie instansie.
- (b) Die bestuurder van die optekeninge moet toesien dat die regeringsinstansie gehoor gee aan die vereistes van hierdie Wet.
- (c) Bykomende magte en funksies van die bestuurder van die optekeninge, mag voorgeskryf word.

VERKRYGING EN BESTUUR VAN NIE-OPENBARE OPTEKENINGE

14. (1) Die Argivaris kan namens die Staat, nie-openbare optekeninge wat volgens die Argivaris se opinie van blywende waarde en van provinsiale belang is en nie deur enige ander instansie op meer geskikte wyse bewaar kan word nie, verkry deur dit aan te koop, as donasie of 'n lening vir 'n tydelike periode of vir ewig en altyd, of onvoorwaardelik, of onderhewig aan voorwaardes waarop ooreengekom word.
- (2) Onderhewig aan toepaslike voorwaardes, moet nie-openbare optekeninge wat onder subartikel (1) bekom is, geplaas word in die argiewebewaarplek soos deur die Argivaris bepaal word.
- (3) Geen persoon of instansie wat nie-openbare optekeninge wat aangeteken is op die provinsiale lys soos na verwys in artikel 6 (4) (e) in hul bewaring het, moet dit vernietig, uitvoer uit die Provinsie, of op enige ander wyse van ontslae raak, sonder –
 - (a) dat hulle kennis gee aan die Raad, tenminste 90 dae voor sodanige optrede, van hul voorneme om van die optekeninge ontslae te raak; en
 - (b) verkryging van die goedkeuring van die Raad vir sodanige optrede.

VOORWAARDES VIR DIE OORGANG

15. (1) 'n Persoon wat as die Direkteur van Argiewe in die Departement van Sport, Kuns en Kultuur in die Provinsie, onmiddellik voordat hierdie Wet van krag

word, is, moet voortgaan in die pos as Argivaris, totdat die Argivaris aangesel word kragtens artikel 2 van hierdie Wet.

- (2) Optekeninge in bewaring van die Direkteur van Argiewe in die Departement van Sport, Kuns en Kultuur in die Provinsie op die dag onmiddellik voordat hierdie Wet van krag word, word oorgeplaas na die Argivaris, onderhewig aan enige toepaslike voorwaardes aangaande optekeninge van daardie dag.
- (3) Enige persoon wat, onmiddellik voordat hierdie Wet van krag geword het, 'n lid van die personeel van die Argieweafdeling van die Departement van Sport, Kuns en Kultuur in die Provinsie is, moet voortgaan as 'n lid van die personeel van die Provinsiale Argiewe.

MISDRYWE EN STRAWWE

16. (1) Enige persoon wat –

- (a) willens en wetens skade aan openbare, of nie-openbare optekeninge in beheer van 'n staatsinstansie aanrig; of
- (b) anders as in ooreenstemming met hierdie Wet, of enige ander wet, enige sodanige optekening vernietig, of uitwis,

is skuldig aan 'n misdryf en op skuldigbevinding onderhewig aan 'n boete, of tronkstraf vir 'n tydperk wat nie twee jaar oorskry nie, of beide sodanige boete en tronkstraf.

- (2) Enige persoon wat nalaat om te voldoen aan artikel 14(3), is skuldig aan 'n misdryf en op skuldigbevinding onderhewig aan 'n boete wat nie R10 000 sal oorskry nie.
- (3) Die Argivaris mag weier om enige persoon wat skuldig bevind is kragtens subartikel (1), toegang te gee tot 'n argiewebewaarplek, vir 'n tydperk wat die Argivaris toepaslik vind, onderhewig aan 'n appèl gerig tot die LUR.

REGULASIES

17. (1) Die LUR kan regulasies maak aangaande –

- (a) die bestuur en versorging van openbare optekeninge in die bewaring van regeringsinstansies;
- (b) die toegang van die publiek tot argiefbewaarplekke, die beskikbaar stel,

optekeninge vir openbare toegang, en die gebruik van toerusting vir die maak van kopieë van, of uitreksels uit, optekeninge in die bewaring van Provinsiale Argiewe;

- (c) die prosedures en ander voorwaardes vir die aanstel van Lede van die Raad;
- (d) die prosedure tydens vergaderings van die Raad en Komitees;
- (e) bykomende magte en funksies van die bestuurders van optekeninge; en
- (f) alle aangeleenthede soos vereis, toegelaat, of noodsaaklik is om voorgeskryf te word vir die uitvoer van die voorwaardes van hierdie Wet.

HERROEPING VAN WETTE

18. Die volgende Wette word hiermee herroep –

- (a) Gazankulu Wet op Argiewe, 1976 (Wetnr 6 van 1976);
- (b) Venda Wet op Argiewe, 1976 (Wetnr 10 van 1976);
- (c) Lebowa Wet op Argiewe, 1975 (Wetnr 6 van 1975).

KORTTITEL EN AANVANG

19. Hierdie Wet heet die Noordelike Provinsie Wet op Argiewe, 2001 en word van krag op 'n datum soos vasgestel deur die Premier deur proklamasie in die *Provinsiale Staatskoerant*.

XITIVISO XA XIFUNDZANKULU

HOFISI YA HOLOBYENKULU**No. 39****24 Nhlangua 2001**

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

No. 5 wa 2001: Nawu wa Xifundzankulu xa N'walungu wa Vuhlayiselo bya Matsalwa, 2001.

NAWU

Wo endla makungu ya ku simekiwa ka Vuhlayiselo bya Matsalwa bya Xifundzankulu xa N'walungu; mafambisele lamanene na ku hlayisa tirhekhodo ta mavandla ya mfumo eka Xifundzankulu xa N'walungu; ku hlayisiwa na ku tirhisiwa ka Ndhaka ya Vuhlayiselo bya Matsalwa ya Xifundzankulu xa N'walungu; ku simekiwa ka Huvo ya Vuhlayiselo bya Matsalwa; na ku endlela makungu ya timhaka leti ti yelanaka na swona.

*(Tsalwa ra Xinghezi ri sayiniwile hi Holobyenkulu)
(Wu pfumeriwile hi siku ra 12-10-2001)*

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

TINHLAMUSELO

1. Eka Nawu lowu, handle ka loko nhlamuselo ya kona yi komba swin'wana:

“Huvo” ri vula Huvo ya Vuhlayiselo bya Matsalwa leyi yi vuriwaka eka xiyenge xa 6;

“Mfumo wa Milawu” swi vula Mfumo wa Milawu wa Xifundzankulu xa N'walungu;

“mpfumelelo wo herisa” swi vula mpfumelelo wo tsariwa lowu wu nyikiwaka hi ku landza xiyenge xa 13(2)(a) lowu wu kombisaka tirhekhodo leti ti fanelaka ku hundziseriwa eka vuhlayiselo bya Matsalwa kumbe ku kombisa tirhekhodo leti ti fanelake ku herisiwa;

“Muhlayisi wa matsalwa” swi vula Muhlayisi wa Matsalwa loyi a vuriwaka eka xiyenge xa 4;

“Nawu lowu” swi katsa na swinawana;

“ndhawu ya vuhlayiselo bya matsalwa” swi vula ndhawu ya vuhlayiselo bya matsalwa yihi ni yihi leyi vuriwaka eka xiyenge xa 11 (1);

“nhloko ya vandla ra mfumo” swi vula mutirhinkulu wa vandla ra mfumo kumbe munhu loyi a tirhaka eka xiyimo xo tano;

“nkambelo-matirhele” ri vula matirhele ya vuhlayiselo bya matsalwa yo kumisisa heriselo ya tirhekhodo;

“rhekhodo yo ka yi nga ri ya mani na mani” swi vula rhekhodo leyi yi nga tumbuluxiwa kumbe ku amukeriwa hi munhu wa phurayivhete kumbe vandla handle ka leri ri nga hlamuseriwa tani hi vandla ra mfumo hi ku landza Nawu lowu kumbe nawu wun'wana lowu wu fambelanaka na tirhekhodo kumbe vuhlayiselo bya matsalwa;

“rhekhodo” ri vula vuxokoxoko lebyi byi nga tsariwa ku nga langutiwi xivumbeko kumbe ririmi;

“sisiteme yo ntlawahata tirhekhodo” swi vula pulani yo ntlawahata ya ku kombisa, ku lulamisa, ku hlayisa na ku kuma tirhekhodo;

“sisteme ya tirhekhodo ya gezi” swi vula sisiteme yihi ni yihi ya tirhekhodo leyi eka yona vuxokoxoko byi hlengeletiwaka hi ndlela yo tirhisa gezi na ka hlayisiwa hi endlele ra thekinoloji ya khompyuta;

“tirhekhodo ta mani na mani” swi vula rhekhodo leyi yi tumbuluxiweke kumbe ku kumiwa hi vandla ra mfumo hi ku endlela migingiriko ya rona;

“vandla ra Mfumo” swi vula vandla rihi ni rihi ro endla milawu; ra huvonkulu, ro ahlula kumbe ra mafambisele (ku katsa na vandla leri lawuwiraka hi nawu) eka xiyimo xa xifundzankulu na ndhawu ya mfumo eka Xifundzankulu;

“vuhlayiselo” ri vula malawulelo kumbe tirhekhodo leti ti nga vekiwa hi ku landza swiyimo swa tona;

“vuhlayieselo bya matsalwa” swi vula tirhekhodo evuhlayiselweni bya ndhawu ya vuhlayiselo bya matsalwa;

“Vuhlayiselo bya Matsalwa bya Xifundzankulu” swi vula Vuhlayiselo bya Matsalwa bya Xifundzankulu lebyi byi nga simekiwa hi xiyenge xa 2 xa Nawu lowu;

“Xifundzankulu” ri vula Xifundzankulu xa N’walungu;

“xinawana” ri vula xinawana xihi ni xihi lexi xi nga endliwa ehansi ka Nawu lowu; na

“Xirho xa Huvonkulu” swi vula Xirho xa Huvonkulu lexi xi nga ni vutihlamuleri eka bya vulawuri bya Nawu lowu.

KU SIMEKIWA KA VUHLAYISELO BYA MATSALWA BYA XIFUNDZANKULU XA N’WALUNGU

2. (1) Vuhlayiselo bya matsalwa byihi ni byihi bya Xifundzankulu xa N’walungu lebyi byi tiviwaka tani hi Vuhlayiselo bya Matsalwa bya Xifundzankulu bya simekiwa; naswona
- (2) Vuhlayiselo bya Matsalwa bya Xifundzankulu byi ta fambisiwa hi Muhlayisi wa Matsalwa, loyi a nga thoriwa hi Xirho xa Huvonkulu hi ku landza ntokoto wa yena wa xipurofexeni na ku ringanela loku ku faneleke ka ku enetisa eka swa vuhlayiselo bya matsalwa.

SWIKONGOMELO NA MINTIRHO YA VUHLAYISELO BYA MATSALWA BYA XIFUNDZANKULU

3. Swikongomelo na mintirho ya Vuhlayiselo bya Matsalwa bya Xifundzankulu i—

- (a) ku hlayisa tirhekhodo ta mani na mani na to ka ti nga ri nga ri ta mani na mani leti ti nga na nkoka wa nkarhi wo leha leti ti nga ta tirhisiwa hi mani na mani na Mfumo;
- (b) ku endla tirhekhodo to tano leti ti kumekaka na ku tlakusa ku tirhisiwa ka tona hi mani na mani;
- (c) ku tiyisisa mafambisele lamanene na ku hlayisiwa ka tirhekhodo ta mani na mani;
- (d) ku hlengeta tirhekhodo to ka ti nga ri ta mani na mani leti ti nga na nkoka wo leha na nkoka wa xifundzankulu lowu wu nga ta ka wu nga hlayisiwi hi ndlela yo antswa ku tlula lowu wu nga kona hi vandla rin'wana, hi ku landza xilaveko xa swiyenge swa tsalwa ra ntokoto wa rixaka lowu wu nga tsan'wisa hi tindhawu ta vuhlayiselo bya matswalwa enkarhini wa khale;
- (e) ku tlakusa ntirhisano na ku hlanganisa exikharhi ka mavandla lawa ya nga na vuhlayiselo bya tirhekhodo to ka ti nga ri ta mani na mani;
- (f) ku tlakusa vutivi bya vuhlayiselo bya matsalwa na mafambiselo ya tirhekhodo na ku hlohlotela migingiriko ya mafambiselo ya vuhlayiselo bya matsalwa na tirhekhodo na mavandla; na
- (g) ku tlakusa hi ku angarhela ku hlayisiwa na ku tirhisiwa ka mfuwo wa vuhlayiselo bya matswalwa ya xifundzankulu.

MUHLAYISI WA MATSALWA NA VATIRHI

4. (1) Muhlayisi wa matswalwa u fanele eka ku tirha ka mintirho ya yena ku pfuniwa hi vatirhi na vathoriwa lava va nga thoriwa hi ku landza Nawu wa Vutirheli bya Mani na Mani, wa 1994 (Switivisa-nawu 103 swa 1994).
- (2) (a) Muhlayisi wa matsalwa a nga ha, ehansi ka xiyimo xihi ni xihi, nyika matimba kumbe ku nyika mfanelo eka mutirhi naswona a nga ha hi nkarhi wihi ni wihi khansela ku nyikiwa ka matimba yo tano kumbe ku nyikiwa ka ntirho ko tano.

- (b) Ku nyikiwa ka matimba kumbe ku nyikiwa ka ntirho a ku fanelanga ku tsona Muhlayisi wa matsalwa matimba kumbe ntirho lowu wu nga nyikiwa naswona a nga ha hi nkarhi wihi ni wihi hundzuluxa kumbe ku veka etlhelo xiboho xihhi ni xihhi lexi xi nga endliwa ehansi ka swona, kumbe ku tirhisa matimba kumbe ku endla mfanelo leyi yi fambelanaka na swona.

MATIMBA NA TIMFANELO SWA MUHLAYISI WA MATSALWA

5. (1) Muhlayisi wa matsalwa u fanele—

- (a) ku teka magoza yo tano tani hi laha ya nga ni nkoka eka ku lulamisa, veka na ku kuma tirhekhodo;
- (b) ku nyika vuxokoxoko, ku tihlanganisa, ku endla vulavisisi na mintirho yin'wana leyi yi yelanaka na tirhekhodo;
- (c) hi ku tshikelela eka migingiriko leyi yi nga endleriwa ku fikelela ehandle eka mavandla ya vanhu lawa ya nga riki na swo tala, ku tivisa vuxokoxoko mayelana na ku hangalasiwa ka tirhekhodo, minkombiso na ku lombisiwa ka tirhekhodo; na
- (d) ku lava munhu loyi a nga tirhisa tirhekhodo eka Vuhlayiselo bya Matsalwa bya Xifundzankulu loko a ha endla vulavisisi hi ku kandziyisiwa kumbe ku hangalasiwa ku kuma khopi ya ku kandziyisiwa kumbe ku hangalasiwa ku ya eka Vuhlayiselo bya Matsalwa bya Xifundzankulu.

(2) Muhlayisi wa matsalwa a nga ha-

- (a) nyiketa ku dyondzisa hi vuthekiniki na mafambiselo ya tirhekhodo;
- (b) tirhisana na mavandla lawa ya nga ni ku navela eka timhaka ta vuhlayiselo bya matsalwa kumbe mafambiselo kumbe tirhekhodo;
- (c) nyiketa ku seketela ka xiphurofexeni na xithekiniki hi ku pfuna migingiriko ya vuhlayiselo bya matsalwa na vaaki va vuhlayisi bya matsalwa; na
- (d) hi ku tirhisana na Xirho xa Huvonkulu na Huvo ku ntshunxa vandla ra mfumo eka kungu rihi ni rihi ra Nawu lowu.

KU SIMEKIWA, VUMBIWA NA MINTIRHO YA HUVO YA VUHLAYISELO BYA MATSALWA

6. (1) Xirho xa Huvonkulu xi nga ha hi xitiviso eka Gazete simeka

huvo leyi yi nga ta tiveka tani hi Huvo ya Vuhlayiselo bya Matsalwa ya Xifundzakulu xa N'walungu.

- (2) Huvo yi ta va Muhlayisi wa Matsalwa naswona ku nga ri ku tlula kaye wa swirho swin'wana leswi swi nga hlawuriwa hi Xirho xa Huvonkulu ku suka eka vanhu lavan'wana lava va nga ni vutivi bya, kumbe lava va nga ni ku tsakela eka timhaka ta vuhlayiselo bya matswalwa.
- (3) Mafambiselo na swiyimo swin'wana swa ku thoriwa tnai hi xirho xa Huvo swi fanela ku va hi ndlela leyi swi nga vekiwa ha kona.
- (4) Mintirho ya Huvo i ku—
 - (a) tsundzuxa Xirho xa Huvonkulu hi mhaka yihi ni yihi mayelana na ku tirha ka Nawu lowu;
 - (b) tsundzuxa na ku pfuna Muhlayisi wa Matsalwa eku endleni ka swokongomelo na mintirho ya Vuhlayiselo bya Matsalwa;
 - (c) tlakusa ku endliwa ka nsinya wa vuhlayselo bya matsalwa na ku pulana eka xiyimo xa xifundzankulu;
 - (d) tirhisa matimba lawa ku kongomisawaka eka wona eka swiyenge swa 5(2)(d) na 12(3) swa Nawu lowu;
 - (e) pfumelelana na nsinya wa nkambela-ntirho wa Vuhlayiselo bya Matsalwa bya Xifundzankulu na ku kambela ku simekiwa ka wona; na
 - (f) ku hlayisa nxanxamelu wa tirhekhodo to ka ti nga ri ta mani na mani eka Xifundzankulu leti, hi mavonele ya Huvo, ti nga na nkoka wo leha.
- (5) Huvo yi nga ha thola tikomiti ku suka eka swirho swa tona naswona yi nga ha nyika ntirho eka komiti yihi ni yihi leyi yi nga thoriwa tano mintirho tani hilaha yi nga ha vonaka swi fanerile, kambe Huvo a yi fanelanga ku tsoniwa mintirho yihi ni yihi leyi yi nyikiweke naswona yi nga ha hundzuluxa kumbe ku khansela xiboho xa komiti yo tano.
- (6) Mafambisele eka tinhlengeletano ta Huvo na ta komiti ya fanela ku hi va hi ndlela leyi ya nga vekiwa ha kona.
- (7) Huvo kumbe komiti yihi ni yihi swi nga ha hlawula munhu wihi ni wihi ku tirhela Huvo kumbe komiti, tani hi laha mhaka yi nga ha va yi ri ha kona, eka xiyimo xa vutsundzuxi, kumbe xirho xo tano lexi xi nga hlawuriwa xi fanela a xi fanelanga ku va na timfanelo tihi ni tihi to vhota.
- (8) Xirhontsena, kumbe xirho lexi xi nga hlawuriwa lexi ku kongomisiwaka eka xona eka xiyengenyana xa (7), loyi a nga riki eka vutirheli bya nkarhi hinkwawo eka mfumo u fanela ku hakeriwa ku

suka eka timali ta Huvo maendzo yo tano na ti hakelelo tin'wana leti ti nga ta va kona hi yena, hi mayelana na migingiriko ya Huvo, tani hilaha Xirho xa Huvonkulu xi nga ha bohaka ha kona hi ku fambisana na Xirho xa Huvonkulu wa Timali.

MATSALANA NA VATIRHI VA HUVO

7. (1) Ntirho lowu wu va ka kona eka mintirho ya Huvo wu fanela, ehansi ka swiletelo swa Huvo yi tirhiwa hi matsalana loyi a nga hlawuriwa hi Huvo eka swiyimo swo tano swa vutirheli naswona eka muholo wo tano na swikumiwa swa vutirheli tani hilaha Xirho xa Huvonkulu, hi ku tirhisana na Xirho xa Huvonkulu wa Timali a nga ha bohaka.
- (2) Matsalana u fanela ku pfuniwa eku tirheni ka mintirho ya yena hi vanhu lava va nga hlawuriwa hi Huvo eka swiyimo swo tano swa vutirheli naswona eka muholo wo tano naswona ehansi ka swikumiwa swa vutirheli byo tano tani hilaha Huvo yi nga ha, hi ku pfumeleriwa hi Xirho xa Huvonkulu swi nga nyikiwa hi ku tirhisana na Xirho xa Huvonkulu wa Timali, boha.

TIMALI TA HUVO YA VUHLAYISELO BYA MATSALWA

8. (1) Timali ta Huvo ti fanela ku va na—
- (a) mali leyi yi nga averiwa hi Mfumo wa Milawu;
- (b) mali leyi yi engetelelanaka eka Huvo ku suka eka xihlovo xihi ni xihi.
- (2) Matsalana wa Huvo u fanela ku pfula nkota hi vito ra Huvo na vandla leri ri nga tsarisiwa tani hi bangi hi ku landza Nawu wa Bangi, 1990 (Nawu wa 94 wa 1990), naswona u fanela ku veka eka nkota yoleyo mali hinkwayo leyi yi kumekaka hi ku landza xiyenge lexi.
- (3) Huvo yi fanela ku tirhisa timali ta yona eka ku nyiketa mali ya tihakelelo leyi yi va ka kona eku tirhiweni ka mintirho ya yona ehansi ka Nawu lowu.
- (4) Huvo yi fanela ku eka lembe-ximali rin'wana na rin'wana, hi nkarhi lowu wu nga bohiwa hi Xirho xa Huvonkulu, nyika xitatimende xa nkumbetelo na tihakelelo ta mali ya Huvo hi lembe-ximali leri ri landzelaka eka Xirho xa Huvonkulu leswaku xi ta pfumeleriwa, hi ku nyikiwa na tirhisana na Xirho xa Huvonkulu wa Timali.
- (5) Tihakelelo ta Huvo hi lembe-ximali ro karhi a ti fanelanga ku hundza mali hinkwayo leyi yi nga pfumeleriwa hi ku landza xiyengenyana xa (4).

VUTIHLAMULERI

9. (1) Matsalana wa Huvo u ta va mutirhi wa tinkota wa Huvo naswona u fnaela ku va ni vutihlamuleri eka timali hinkwato leti ti nga kumeka na tihakelo leti ti nga endliwa hi Huvo.
- (2) Mutirhi wa Tinkota u fanela—
- (a) ku hlayisa rhekhodo leyi yi nga helela ya timali hinkwato leti ti nga kumeka kumbe ku tirhisiwa hi Huvo, na tinhundzu na mindwhalo ta Huvo;
- (b) hi ku hatlisa loku ku kotekaka emakumu ya Lembe-ximali ra Huvo, ku tsala vuxokoxoko bya mali bya lembe na lembe, kombisa mali leyi yi nga kumiw ahi Huvo, tihakelelo leti ti nga vangiwa hi Huvo na tinhundzu ta yona na mindwalo emakumu ya Lembe-ximali rin'wana na rin'wana.
- (3) Lembe-ximali ra Huvo ri hela hi 31 Nyenyankulu elembeni rin'wana na rin'wana.
- (4) Tirhekhodo na switatimende swa mali swa lembe na lembe leswi swi vuriweke eka xiyengenyana xa (2), swi fanela ku oditiwa hi Odita-Jenerala.

SWIVIKO SWA LEMBE

10. (1) Hi ku hatlisa loku ku kotekaka endzaku ka lembe-ximali rin'wana na rin'wana Muhlayisi wa Matsalwa u fanela ku tsala xiviko xa migingiriko hinkwayo ya Vuhlayiselo bya Matsalwa bya Xifundzankulu hi lembe-ximali, naswona Huvo yi fanela ku tsala xiviko xa miginiriko ya Huvo hi Lembe-ximali rero.
- (2) Xiviko xa Muhlayisi wa Matsalwa xi fanela ku katsa na—
- (a) vuxokoxoko bya mali na tihakelelo;
- (b) nxanxamelo lowu wu nga helela wa matimba yo tirha lawa ya nga nyikiwa;
- (c) nhlamuselo ya timhaka hinkwato ta ku tirhaniwa na tirhekhodo ta mani na mani handleka ka mpfumelelo leti ti nga lavisisiwa hi Vuhlayiselo bya Matsalwa ta Xifundzankulu; na
- (d) nhlamuselo ya mavandla hinkwawo ya mfumo lawa ya nga tsandzeka ku landzelela Nawu lowu.

- (3) (a) Xiviko xa Muhlayisi wa Matsalwa na Huvo, ku katsa na switatimende leswi swi nga oditiwa swa lembe-ximali mayelana na timali ta Huvo swi fanela ku yisiwa eka Xirho xa Huvonkulu; na
- (c) Xirho xa Huvonkulu u fanela ku swi veka ehenhla ka tafula eka Mfumo wa Milawu hi 14 wa masiku endzaku ka ku swi kuma loko Mfumo wa Milawu wu tshama, kumbe loko Mfumo wa Milawu wu nga tshami hi nkarhi wolowo, hi 14 wa masiku ya ku sungula ka ntshamo lowu wu landzelaka.

KU GONGA NA VUHLAYISEKI BYA TIRHEKHODO

- 11. (1) Xirho xa Huvonkulu a nga ha hi nkarhi na nkarhi simeka tindhawu ta vuhlayiselo bya matsalwa ehansi ka vulawuri bya Muhlayisi wa Matsalwa eka vuveki na vuhlayiseki bya tirhekhodo.
- (2) Tirhekhodo ta Mani na mani leti ti nga kombisiwa eka mpfumelelo wa kutirhana na swona leti ti nga na nkoka wo leha ti fanela ku hundziseriwa eka ndhawu ya vuhlayiselo bya matsalwa loko ti vile kona ku ringana 20 wa malembe, kambe—
 - (a) a ku na Nawu wun'wana wa Palamende kumbe Mfumo wa Milawu lowu wu lavaka tirhekhodo to tano leswaku ti vekiwa eka vuvekisi bya vandla ro karhi ra mfumo kumbe munhu;
 - (b) Muhlayisi wa matsalwa a nga ha, endzhaku ka ku tsundzuxana na nhloko ya vandla mfumo, kombisa tirhekhodo to tano leti—
 - (i) ti fanela ku tshama ti ri eka vuveki bya vandla ra mfumo; kumbe
 - (ii) ti fanelaka ku hundziseriwa eka ndhawu ya vuhlaselo bya matsalwa ti nga se va kona ku ringana 20 wa malembe.
 - (c) Muhlayisi wa matsalwa a nga ha khansela ku hundziseriwa ka tirhekhodo tihi na tihi ta mani na mani;
 - (d) Muhlayisi wa matsalwa a nga ha nyika mpfumelelo wa tirhekhodo tihi ni tihi ta mani na mani leswaku ti hundziseriwa eka ndhawu ya vuhlayiselo bya matsalwa ti nga se va kona ku ringana 20 wa malembe.

- (3) Xirho xa Huvonkulu xi nga ha veka minkarhi na swiyimo leswi swi fumaka ku hundziseriwa ka tirhekhodo ehansi ka xiyengenyana xa (2).
- (4) Muhlayisi wa matsalwa u fanela ku teka magoza tani hilaha ya fanelaka ku hlayisa tirhekhodo.

MPFUMELELO WO FIKELELA NA KU TIRHISA

- 12. (1) Ehansi ka Nawu wihi ni wihi wa palamende kumbe wa Mfumo wa Milawu lowu wu tirhanaka na mpfumelelo wo fikelela eka tirhekhodo ta mani na mani—
 - (a) rhekhodo ya mani na mani leyi yi nga eka vuveki bya Vuhlayiselo bya Matsalwa bya Xifundzankulu yi fanela ku va kona eka mnai na mani loko nkarhi wa 20 wa malembe wu hundzile ku sukela ku hela ka lembe leri rhekhodo yoleyo yi nga va kona; na
 - (b) mpfumelelo eka rhekhodo ya mani na mani leyi nkarhi wa kona wa le hansi ka 20 wa malembe wu nga hundza ku sukela ku hela ka lembe leri rhekhodo yoleyo yi nga va kona wu nga ha nyikiwa hi Muhlayisi wa matsalwa hi xikombelo.
- (2) Rhekhodo yo ka yi nga ri ya mani na mani ek avuveki byaa Vutirheli bya Vuhlayiselo bya Matsalwa yi fanela ku va kona eka mani na mani ehansi ka xiyimo xihi ni xihi lexi ku nga pfumeleriwa hi xona eku kumiweni ka xona hi ku landza xiyenge xa 14(1) xa Nawu lowu.
- (3) Handleka swiyengenyana swa (1) na (2), Muhlayisi wa Matsalwa a nga ha alela mpfumelelo eka rhekhodo hi mhaka ya xiyimo xa wona xoo ka xi nga tiyanga, kambe ku fanela ku va na mpfumelelo wa aphili eka Huvo eka ku ala loku.

MAFAMBISELO YA TIRHEKHODO TA MANI NA MANI

- 13. (1) Ehansi ka makungu ya Nawu lowu, Muhlayisi wa Matsalwa u fanela ku nyikiwa ntirho wo va na mafambisele lamanene na nhlayiso wa tirhekhodo ta mani na mani eka vuveki bya mavandla ya mfumo.
- (2) Handleka ku hunguta ku angarha ka xiyengenyana xa (1)—
 - (a) a ku na rhekhodo ya mani na mani leyi yi nga eka vulawuri bya vandla ra mfumo leyi yi fanelaka ku hundziseriwa eka ndhawu ya vuhlayiselo bya matsalwa, ku rhabiwa kumbe ku tirhaniwa na yona hi ndlela yin'wana handleka mpfumelelo wo tsariwa wa Muhlayisi wa Matsalwa, lowu wu nga nyikiwa ehansi ka—
 - (i) Xiyenge xa 6 (4)(e) xa Nawu lowu; na

- (ii) ku lerisa ko hetelela ka Xirho xa Huvonkulu loko ku hambana loku ku nga lulamsiwangiki ku va kona exikarhi ka Muhlayisi wa Matsalwa na Huvo;
- (b) Muhlayisi wa Matsalwa u fanela—
 - (i) ku kumisisa tisisiteme to ntlawata ta tirhekhodo leti ti nga ta tirhisiwa hi mavandla ya mfumo;
 - (ii) ku kumisisa swiyimo leswi ehansi ka swona tisisiteme ta gezi ta tirhekhodo ti nga ta fambisiwa;
- (c) Muhlayisi wa Matsalwa u fanela ku kambela tirhekhodo ta mani na mani hi ku ya hilaha ku kambela ko tano ku fanerile eka ku tirhiwa ka mintirho ya yena ehansi ka Nawu lowu, kambe ku kamberiwa ka tirhekhodo ta mani na mani leti ti nga ni vuxikoxoko lebyi ku humesiwa ka byona ku aleriwaka hi Nawu wihi ni wihi wa Palamende kumbe wa Mfumo wa Milwau ku fanela ku endliwa ntsena hi ku pfumeleriwa hi nhloko ya vandla ra mfumo leri ri khumbhekaka.
- (2) Muhlayisi wa Matsalwa a nga ha hinkarhi na nkarhi nyika swileriso, leswi swi nga fanelangiki ku va swi nga fambelani na swinawana, mayelana na mafambisele na nhlayiso wa tirhekhodo ta mani na mani eka vuveki bya mavandla ya mfumo.
- (4) (a) Nhloko ya vandla mfumo, ehansi ka nawu wihi ni wihi lowu wu lawulaka ku thoriwa ka vatirhi vandla ra mfumo leri ri khumbhekaka na swilaveko swo tano tani hilaha swi nga ha vekiwaka ha kona, a nga ha hlawula mutirhi wa vandla ku va mufambisi wa tirhekhodo ta vandla rero.
- (b) Mufambisi wa tirhekhodo u fanela ku vona leswaku vandla ra mfumo ri fambelana na swilaveko swa Nawu lowu.
- (c) Matimba yo engetela na mintirho ya mufambisi wa tirhekhodo swi nga ha bohiwa.

KU KUMIWA NA MAFAMBISELE YA TIRHEKHODO TO KA TI NGA RI TA MANI NA MANI

- 14. (1) Muhlayisi wa Matsalwa hi ku yimela mfumo u kuma hi ku xava kumbe ku nyikeriwa kumbe ku lombela ku ringana nkarhi wo koma kumbe karhi wo yisa emahlweni ku nga va ku ri handleka swiyimo kumbe ehansi ka swiyimo swo tano tani hilaha swi nga ha bohiwaka ha kona, tirhekhodo to ka ti nga ri ta mani na mani leti, hi mavonele ya yena ti nga na nkoka wo leha na nkoka wa xifundzankulu naswona leti ti nga ta ka ti nga hlayisiwi ku antswa ku tlula hi vandla rin'wana.

- (2) Ehansi ka swiyimo swihi ni swihi tani hi laha swi nga ha tirhisekaka ha kona eka tirhekhodo to ka ti nga ri ta mani na mani leti ti nga kumeka ehansi ka xiyengenyana xa (1) ti fanela ku vekiwa eka ndhawu ya vuhlayiselo bya matsalwa leyi yi nga kumisisiwa hi Muhlayisi wa Matsalwa.
- (3) A ku na munhu kumbe vandla leri ri nga na tirhekhodo to ka ti nga ri ta mani na mani eka vuveki bya vona leti ti nga tsarisiwa eka nxanxamelo wa xifundzankulu loku ku kongomisiwaka eka wona eka xiyenge xa 6 (4) (f) loyi a nga ta onha, ku tunda ku suka eka Xifundzankulu kumbe hinndlela yin'wana tirhana na tirhekhodo to tano handleka—
 - (a) ku vika eka Huvo xikongomelo xa vona xo tirhana na tirhekhodo to tano kwalomu ka 90 wa masiku nkarhi wu nga se fika wa goza ro tano; na
 - (b) ku kuma mpfumelelo wa Huvo wa goza ro tano.

MAKUNGU YA NKARHINYANA

- 15. (1) Munhu loyi a ri Mulawuri wa Vuhlayiselo bya Matsalwa eka Ndzawulo ya Xifundzankulu xa N'walungu ya Mintlangu, Vutshila na Mfuwo ku suhani na ku sungula ku tirha ka Nawu lowu u fanele ku ya emahlweni tani hi Muhlayisi wa Matsalwa ku fikela laha a hlawuriwaka hi ku landza xiyenge xa 2 xa Nawu lowu.
- (2) Tirhekhodo eka ku gonga ka Mulawuri wa Vuhlayiselo bya Matsalwa eka Ndzawulo ya Xifundzankulu xa N'walungu ya Mintlangu, Vutshila na Mfuwo hi siku ra le ku suhani na ku sungula ku tirha ka Nawu lowu ti hundziseriwa eka Muhlayisi wa Matsalwa ehansi ka swiyimo swihi ni swihi leswi a swi tirhisiwa eka tirhekhodo to tano hi siku rero.
- (3) Munhu un'wana na un'wana loyi a ri, eku suhani na ku sungula ku tirha ka Nawu lowu, mutirhi wa Xiphemu xa Vuhlayiselo bya Matsalwa xa Ndzawulo ya Xifundzankulu xa N'walungu ya Mintlangu, Vutshila na Mfuwo u fanele ku ya emahlweni na ku va mutirhi wa Vuhlayiselo bya Matsalwa bya Xifundzankulu.

MILANDZU NA MINXUPULO

- 16. (1) Munhu wihi ni wihi loyi-
 - (a) A onhaka hi mavomu rhekhodo yihi ni yihi ya mani na mani kumbe yo ka yi nga ri ya mani na mani leyi yi nga ehansi ka vulawuri bya vandla ra mfumo; nawona
 - (b) Hindlela yin'wana ku tlula hi ku landza Nawu lowu kumbe nawu wihi ni wihi wun'wana, susa, onha kumbe ku rhaba rhekhodo yo tano

u voniwa nadzu wo na ku va ni ndwhalo wo hakela ndziho kumbe ku khomiwa ku ringana nkarhi wo ka wu nga hundzi malembe ya mbirhi kumbe ndzihi na ku khomiwa haswimbirhi ka swona.

- (2) Munhu wihi ni wihi loyi a tsandzekaka ku landzelela xiyenge xa 14 (3) u voniwa nandzu na ku va na ndwalo wo hakela ndziho wo ka wu nga hundzi R10 000.
- (3) Muhlayisi wa Matsalwa a nga ha ala ku pfumelela munhu wihi ni wihi loyi a voniwaka nandzu hi ku landza xiyengenyana xa (1) mpfumelelo wo nghena endhawini ya vuhlayiselo bya matsalwa ku ringana nkarhi lowu yena a nga ta vona wu fanerile, ehansi ka aphili eka Xirho xa Huvonkulu.

SWINAWANA

17. (1) Xirho xa Huvonkulu xi nga ha endla swinawana mayelana na—
 - (a) mafambisele na nhlayiso wa tirhekhodo leti ti nga eka vuveki bya mavandla ya mfumo.
 - (b) ku amukeriwa ka vanhu eka tindhawu ta vuhlayiselo bya matsalwa, ku endla vukona bya tirhekhodo eka mani na mani, na ku tirhisiwa ka swingolongondwana ku endla tikhopi ta, kumbe switsemiwa swa matsalwa ku suka eka, tirhekhodo eka vuveki bya Vuhlayiselo bya Matsalwa bya Xifundzankulu.
 - (c) matirhele na swiyimi swin'wana swa matlawulele ya Swirho swa Huvo;
 - (d) matirhele etihlungeletanini ta Huvo na Tikomiti;
 - (e) matimba yo engetela na mintirho ya mafambisi wa tirhekhodo; na
 - (f) timhaka hinkwato leti ti lavekaka, pamelariwa kumbe ku fanela ku hlawuriwa ku yisa emahlwa makungu ya Nawu lowu.

KU HERISIWA KA MILAWU

18. Milawu leyi yi landzelaka yi herisiwa-
 - (a) Nawu wa Vuhlayiselo bya Matsalwa wa Gazankulu 1976 (Nawu wa 6 wa 1976);
 - (b) Nawu wa Vuhlayiselo bya Matsalwa wa Venda 1976 (Nawu wa 10 wa 1976); na

- (c) Nawu wa Vuhlayiselo bya Matsalwa wa Lebowa, 1975 (Nawu wa 6 wa 1975).

NHLOKO-MHAKA HI KU KOMISA NA KU SUNGULA KU TIRHA

19. Nawu lowu wu vitaniwa Nawu wa Xifundzankulu xa N'wulungu wa Vuhlayiselo bya Matsalwa 2001 naswona wu sungula ku tirha hi siku leri ri nga vekiwa hi Holobyenkulu hi xitivisa-nawu eka Gazete ya Xifundzankulu.

TSEBIŠO YA PROFENSE

OFISI YA TONAKGOLO

No. 39**24 Oktobere 2001**

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

No. 5 wa 2001: Molao wa Malotatšakgale wa Profense ya Leboa, 2001.

MOLAO

Go beakanyetša tlhomo ya Bolotatšakgale bja Profense ya Leboa, taolo ye kaone le tlhokomelo ya direkhoto tša mafapha a mmušo ka go Profense ya Leboa; poloko le tšhomišo ya Bohwa bja Bolotatšakgale bja Profense ya Leboa; tlhomo ya Lekgotla la Bolotatšakgale; le go beakanyetša mabaka ao a amanago le tše.

(Phetolelo ya Seisemane e saennwe ke Tonakgolo)
(O dumeletšwe ka la 12-10-2001)

Go bewa molao ke Lekgotlapeamelao la Profense ya Leboa, ka mo go latelago-

DITLHALOŠO

1. Ka mo Molaong, ka ntle le ge go laetšwa ka tsela ye nngwe-

“bolotela-bolotatšakgale” e šupa bolota-bolotatšakgale bofe le bofe bjo go bolelwago ka bjona go karolo 11(1);

“Direkhoto tša setšhaba” e ra direkhoto tšeo di hlamilwego goba di hweditšwego ke lefapha la mmušo go tšwetša pele mediro ya yona;

“ditsela tša elektroniki tša go rekhota” e šupa tsela efe le efe ya go rekhota ka yona tshedimošo e tšwelelago seelektroniki le go bolokwa ka tseal ya theknolotši ya khomputara;

“ditsela tša tlhopho ya direkhoto” e šupa lenaneo la tlhopho la go šupa, peakanyo, poloko le ntšha direkhoto;

“hlogo ya lefapha la mmušo” e ra leloko le e lego mophethišimogolo wa lefapha la mmušo goba motho yo a a šomago maamong ao;

“Lekgotla” le šupa Lekgotla la Malotatšakgale leo go bolelwago ka lona go karolo 6;

“Lefapha la Mmušo” le šupa setho sefe le sefe sa go peamelao, phethišo, toka goba taolo ya Mmušo (go akaretša lefapha la mmušo) mo maamong a mmušo wa profense goba selegae mo Profenseng ;

“Lekgotlapeamelao” e šupa Lekgotlapeamelao la Profense;

“malotadingwalo” e šupa direkhoto tšeo di hlokometšwego ke bolota bolotatšakgale;

“Malotatšakgale a Profense” a šupa malotatšakgale a Profense ao a hlamilwego ka fase ga karolo 2 ya Molao wo;

"Molotatšakgale" e šupa Molotatšakgale wa yo go bolelwago ka yena go karolo 2;

"Molao wo" e akaretša melawana;

"Molawana" e ra molawana wo o dirilwego ka fase ga molao wo;

"Molekgotlaphethišo" o šupa Leloko la Lekgotlaphethišo leo le ikarabelago taolo ya Molao wo;

"Profense" e ra Profense ya Leboa;

"rekhoto" e šupa tshedimošo yeo e rekhotilwego yeo e dirilwego go sa lebelelwe sebopego goba tirišo;

"Rekhoto ye e sego ya setšhaba" e šupa rekhoto yeo e hlamilwego goba e hweditšwego ke motho wa poraebete goba lefapha le e sego leo le hlalositšwego go ba la lefapha la mmušo go ya ka Molao wo goba molao ofe leofe wo o amanago le direkhoto goba malotatšakgale;

"tekolo" e šupa mošomo wa bolotatšakgale wa go laetša tahlo ya mafelelo ya direkhoto;

"tlhokomelo" e šupa taolo goba direkhoto ka tsela ya tshwaro;

"tumelelo ya tahlo" e šupa tumelelo ya go ngwalwa ye e ntšhwago go ya ka karolo 13(20(a) ye e laetšago direkhoto tše di swanetšego go fetišetšwa go tlhokomelo ya Molotatšakgale goba go hlaola direkhoto tše di swanwetšego go lahlwa;

TLHOMO YA BOLOTATŠAKGALE BJA PROFENSE

2. (1) Bolotatšakgale bja Profense bjo bo tsebegago ka Bolotatšakgale bja Profense bo a hlongwa.
- (2) Malotatšakgale a Profense a tla hlokomelwa ke Molotatšakgale, yo a tla bewago ke Leloko la Lekgotlaphethišo go lebeletšwe maitemogelo a gagwe a seprofešene le mangwalo a maleba a bolotatšakgale.

DINEPO LE MEŠOMO YA MALOTATŠAKGALE A PROFENSE

3. Dinepo le mešomo ya malotatšakgale ke go-

- (a) boloka direkhoto tša setšhaba le tšeo e sego tša setšhaba tša boleng bja go ya go ile go tlo šomišwa ke setšhaba le Mmušo;
- (b) dira gore direkhoto tšeo di a fihlelelwa le go godiša tšhomišo ya tšona ke setšhaba;
- (c) netefatša gore taolo ya maleba le tlhokomelo ya direkhoto ka moka tša setšhaba;
- (d) kgoboketša direkhoto tše e sego tša setšhaba tša boleng bja go ya go ile le bohlokwa profenseng tšeo di ka se bolokegego gabotse ke sehlongwa se sengwe, ka nepo ya go rekhota diponagalo tša maitemogelo a setšhaba tšeo di hlokomologilwego ke malotatšakgale nakong ya pele;
- (e) godiša tšhomišano le tlemaganyo magareng ga dihlongwa tše di hlokometšego direkhoto tše e sego tša setšhaba tša boleng bja go ya go ile;
- (f) godiša temogo ya malotatšakgale le taolo ya direkhoto le go hlohleletša ditiro tša bolotatšakgale le taolo ya direkhoto le mekgahlo; le
- (g) ka kakaretšo go godiša polokego le tšhomišo ya bohwa bja bolotatšakgale bja profense.

MOLOTATŠAKGALE LE BAH LANKEDI

- 4. (1) Molotatšakgale o swanetše gore, ge a diragatša mešomo ya gagwe, a thušwe ke bahlankedi le bašomi bao ba beilwego go ya ka Molao wa Ditirelo tša Setšhaba, 1994 (Kgoeletšo 103 ya 1994).
- (2) (a) Molotatškgale a ka, go ya ka mabaka afe le afe, dumelela goba a fa mošomo leloko la mohlankedi le gore a ka, ka nako efe le efe, gomiša tumelelo goba mošomo wa mohuta woo;
- (b) tumelelo goba mošomo ga wa swanelwa go amoga Molotatšakgale maatla ao a a dumeletšwego goba a a filwego le gona a ka, nako efe le efe, fetoša le go beela thoko sephetho sefe le sefe seo se dirilwego, goba go diriša maatla goba go dira mošomo wona woo.

MAATLA LE MEŠOMO YA MOLOTATŠAKGALE

- 5. (1) Molotatšakgale a ka-
 - (a) tšea magato ao a lego maleba go beakanyetša, hlalosa le go ntšha direkhoto;

- (b) aba tshedimošo, therišano, le nyakišišo le ditirelo tše dingwe tše di amanago le malotatšakgale;
 - (c) ka tiisetšo ye e itšego ya ditiro tše di hlaoletšwego go fihlelela makala a setšhaba seo se šaletšego morago, a tsebiše tshedimošo mabapi le direkhoto ka kgatišo, ditaetšo le kadimo ya direkhoto; le
 - (d) nyaka motho yo a ilego a šomiša direkhoto ka go Bolotatšakgale bja Profense nakong ya ge a nyakišiša kgatišo goba disetheišene go tšweletša khopi ya kgatišo goba disetheišene go Bolotatšakgale bja Profense.
- (2) Molotatšakgale a ka-
- (a) abela tlhahlo ka ga botsebi bja tša bolotatšakgale le taolo ya direkhoto;
 - (b) šomišana le mekgahlo ye e nago le kgahlego ditabeng tša bolotatšakgale goba taolo goba direkhoto;
 - (c) aba thekgo ya seprofešenale goba ya sethekniki go thuša ditiro tša bolotatšakgale le setšhaba sa bolotatšakgale; le
 - (d) ka tumelelano le Molekgotlaphethišo le Lekgotla lokolla setho sa mmušo go peakanyetšo efe le efe ya Molao wo.

TLHOMO, POPEGO LE MEŠOMO YA LEKGOTLA LA MALOTATŠAKGALE

6. (1) Molekgotlaphethišo ka tsebišo ka go Kuranta a ka hloma lekgotla leo le tlogo go tsebega bjalo ka Lekgotla la Malotatšakgale la Profense ya Leboa.
- (2) Lekgotla le tla hlamiwa ka Molotatšakgale le maloko ao a sa fetego a senyane ao a beilwego ke Molekgotlaphethišo go tšwa go batho bao ba tsebago ka, goba ba na go le kgahlego mererong ya bolotatšakgale.
- (3) Tshepedišo le mabaka a mangwe a peo bjalo ka leloko la lekgotla le swanetše go šupetšwa-
- (4) Mešomo ya Lekgotla ke go-
- (a) eletša Molekgotlaphethišo ka morero ofe le ofe wo o amanago le tšhomišo ya Molao wo;
 - (b) eletša le go thuša Molotatšakgale go diragatša dinepo le mešomo ya Malotatšakgale a Profense;

- (c) godiša tlemaganyo ya tlhamo ya maikemišetšo a bolotatšakgale le peakanyo mo maamong a bo profense;
 - (d) dumelela maikemišetšo a tekolo ya Malotatšakgale a Profense le go hlokomela tirišo ya ona; le
 - (e) swara lenaneo la direkhoto tše e sego tša setšhaba ka go Profense tše, ka kgopolo ya Lekgotla, di nago le boleng bja go ya go ile.
 - (f) Diriša maatla ao a šupeditšwego ka go dikarolo 5(2)(d) le 12(3) tša Molao wo.
- (5) Lekgotla le ka hloma dikomiti go tšwa go maloko a Lekgotla gomme le abela go komiti efe le efe yeo e beilwego bjalo, mediro yeo e bonago go le maleba, eupša Lekgotla ga la swanela go amogwa mešomo efe le efe ya yona yeo Lekgotla le e filwego, le gore e ka fetoša goba go fediša sephetho sa komiti yeo.
- (6) Tshepedišo mo dikopanong tša Lekgotla le tša komiti e swanetše go kgethelwa.
- (7) Lekgotla goba komiti ye nngwe le ye nngwe e ka tlaleletša ka motho ofe le ofe go šoma ka go Lekgotla goba komiti, ge go nyakega, mo maamong a boeletši, eupša lelokotlaleletši leo ga la swanelwa go ba le ditokelo tša go bouta.
- (8) Leloko la mehleng goba lelokotlaleletši leo go bolelwago ka lona ka go karolwana (7), leo le sa thwalelwago ruri ka go tirelo ya mmušo, le swanetše go lefelwa go tšwa go sekhwama sa Lekgotla ditshenyegelo tša tsela le tše dingwe tše di dirilwego ke lona, malebana le ditiro tša Lekgotla, ka ge Molekgotlaphethišo a ka laetša ka therišano le Leloko la Lekgotlaphethišo la Matlotlo.

MONGWALEDI LE BAHLANKEDI BA LEKGOTLA

7. (1) Modiro woo o lebanego le phethagatšo ya mediro ya Lekgotla o swanetše, go ya ka ditaelo tša Lekgotla, o dirwe ke Mongwaledi yoo a beilwego ke Lekgotla godimo ga mabaka a tirelo le ka ditefelo le dikholego tša tirelo bjalo ka ge Molekgotlaphethišo, ka kwano le Leloko la lekgotlaphethišo la Matlotlo, ba ka beakanya.
- (2) Mongwaledi o tla thušwa, phethagatšong ya mešomo ke batho bao ba beilwego ke Lekgotla ka mabaka a tirelo le ka ditefelo le dikholego tša tirelo bjalo ka ge Lekgotla le ka, ka tumelelo ya Molekgotlaphethišo yeo e fiwago ka kwano le Molekgotlaphethišo wa Matlotlo, beakanya.

SEKHWAMA SA LEKGOTLA LA BOLOTATŠAKGALE

8. (1) Sekhwama sa lekgotla se swanetše go ba le-
- (a) tšhelete yeo e beakanyeditšwego ke Lekgotlapeamelao;
 - (b) tšhelete yeo e hweditšwego ke Lekgotla go tšwa go mothopo ofe le ofe.
- (2) Mongwaledi wa Lekgotla o swanetše go bula akhaonte ka leina la Lekgotla le sehlongwa se se ngwadišitšwego bjalo ka panka go ya ka mabaka a Molao wa Dipanka, 1990 (Molao 94 wa 1990), le gona a boloke ka go akhaonte yeo ditšhelete ka moka tšeo di amogetšwego go ya ka karolo ye.
- (3) Lekgotla le swanetše go šomiša ditšhelete tša Lekgotla go lefela ditshenyegelo tše di dirilwego ge go phethagatšwa mešomo ya Lekgotla ka fase ga Molao wo.
- (4) Lekgotla le swanetše gore go ngwagapuku ofe le ofe, ka nako yeo e beakanywago ke Molekgotlaphethišo, tliša setateme sa kakanyo ya ditseno le ditshenyegelo tša Lekgotla pakeng ya ngwagapuku wo o latelago go Molekgotlaphethišo go fa tumelelo, ye e fiwago ka therišano le Leloko la Lekgotlaphethišo la Matlotlo.
- (5) Ditshenyegelo tša Lekgotla mo ngwagapukung wo o itšego di swanetše go se fete palomoka yeo e dumeletšwego go ya ka karolwana (4).

M AIKARABELO

9. (1) Mongwaledi wa Lekgotla e tla ba mohlankedimoikarabedi wa Lekgotla le gona o swanetše go arabela ditšhelete ka moka tšeo di hweditšwego le ditefelo tšeo di dirilwego ke Lekgotla.
- (2) Mohlankedimokarabedi o swanetše-
- (a) boloka direkhoto tše di feleletšego tša nnete tša ditšhelete tšeo di amogetšwego goba di šomišitšwego ke Lekgotla, le dithoto le dikoloto tša Lekgotla;

- (b) ka pela ka mo go kgonegago morago ga go fela ga Ngwagapuku wa Lekgotla, a thale setatamente sa ditšhelete tša ngwaga ka ngwaga, go laetšwe tšhelete yeo e amogetšwego ke Lekgotla, ditshenyegelo tšeo di dirilwego ke Lekgotla mmogo le dithoto le ditahlegelo mafelelong a ngwagapuku.
- (3) Ngwagapuku wa Lekgotla o fela ka 31 Matšhe ngwageng ofe le ofe.
- (4) Direkhoto le ditatements tša ditšhelete tša ngwaga ka ngwaga tšeo go bolelwago ka tšona go karolwana (2), di swanetše go hlakišwa ke Mohlakiši-pharephare.

DIPEGO TŠA NGWAGA KA NGWAGA

- 10. (1) Mafelelo a ngwagapuku ofe le ofe Molotatšakgale o swanetše go ngwala pego ya ditiro ka moka tša Malotatšakgale a Profense nakong yona yeo ya Ngwagapuku gomme lekgotla le swanete go ngwala pego ya ditiro ka moka ta Lekgotla gona ngwagapukung woo.
- (2) Pego ya Molotatšakgale e swanetše go akaretša-
 - (a) dtshedimošo tša ditseno le ditshenyegelo;
 - (b) lenaneo le le feleletšego lele ntšhitšwego la ditumelelo tša tahlo;
 - (c) mabaka a ditaba ka moka tša tahlo ye e sa dumelelwago a direkhoto tša setšhaba tšeo di nyakišišwago ke Malotatšakgale a Profense; le
 - (d) mabaka a mafapha ka moka a mmušo ao a paletšwego ke go latela Molao wo.
- (3) (a) Pego ya Molotadingwalo le Lekgotla, gammogo le ditatements tša ditšhelete tša ngwaga ka ngwaga tše di hlakišitšwego tše di amanago le dikhwama tša Lekgotla di swanetše go tlišwa go Molekgotlaphethišo; le
- (b) Molekgotlaphethišo o swanetše go ala pego yeo e bolelwago ka go 3(a) tafoleng go Lekgotlapeamelao pakeng ya matšatši a 14 morago ga go e amogela ge Lekgotlapeamelao le le mo tulong, goba ge Lekgotlapeamelao le se mo tulong, matšatšing a 14 a go thoma ga tulo.

TLHOKOMELO LE POLOKO YA DIREKHOTO

11. (1) Molekgotlaphethišo nako le nako a ka hloma malotatšakgale ka fase ga taolo ya Molotatšakgale ya go hlokomelwa le go bolokwa ga direkhoto.
- (2) Direkhoto tša setšhaba tšeo di laeditšwego mo tumelelong ya tahlo go ba tše di nago le boleng bja go ya go ile di swanetše go fetišetšwa go molotatšakgale ge e le gore di be di le gona mengwaga ye 20 eupša-
- (a) ga go Molao o mongwe wa Palamente goba Lekgotlapeamelao wo o nyakago direkhoto tša mohuta wo go bolokwa go tlhokomelo ya lefapha le le itšego la mmušo goba motho;
- (b) Molotatšakgale a ka, morago ga go rerišana le hlogo ya lekala la mmušo, laetša direkhoto tšeo di-
- (i) swanetšego go šala ka go tlhokomelo ya lefapha la mmušo; goba
- (ii) swanetšego go fetišetšwa go bolotatšakgale pele ga ge di be di le gona mengwageng ye 20.
- (c) Molotatšakgale a ka šuthiša phetišetšo efe le efe ya direkhoto tša setšhaba;
- (d) Molotatšakgale a ka fa tumelelo go direkhoto dife le dife go fetišetšwa go bolota malotatšakgale pele ga ge di be di le gona mengwaga ye 20.
- (3) Molekgotlaphethišo a ka šupetša mabaka le maemo ao a laolago phetišetšo ya direkhoto ka fase ga karolwana (2).
- (4) Molotatšakgale o swanetše go tšea magato ao a lego maleba go boloka direkhoto.

PHIHLELELO LE TŠHOMIŠO

12. (1) Go ya ka Molao ofe le ofe wo o swaraganego le phihlelelo ya direkhoto tša setšhaba-
- (a) rekhoto ya setšhaba yeo e hlokometšwego ke Malotatšakgale a Profense e swanetše go ba gona go fihlelelwa ke setšhaba ge mengwaga ye 20 e fetile go tloga mafelelong a ngwaga ao rekhoto e thomilego go ba gona; le

- (b) phihlelelo ya rekhoto ya setšhaba yeo paka ye e sa fetego mengwaga ye 20 e fetilego go tloga mafelelo a ngwaga woo rekhoto e thomilego go ba gona e ka fiwa ke Molotatšakgale ge e kgopelwa.
- (2) Rekhoto ye e sego ya setšhaba ye e lego ka fase ga tlhokomelo ya Tirelo ya Bolotatšakgale e swanetše go ba gona go šomišwa ke setšhaba go ya ka mabaka ao a kwanetšwego ge e hwetšwa go ya ka karolo 14(1) ya Molao wo.
- (3) Ka ntle ga karolwana (1) le (2), Molotatšakgale a ka gana ka phihlelelo ya rekhoto ka mabaka a maemo a yona a go thubega, eupša go swanetše go ba le tokelo ya go dira boipiletšo go Lekgotla kgahlanong le kgano.

TAOLO YA DIREKHOTO TŠA SETŠHABA

- 13. (1) Go ya ka dipeakanyetšo tša Molao wo, Molotatšakgale o swanetše go fiwa taolo ya maleba le tlhokomelo ya direkhoto tša setšhaba tše di hlokometšwego ke mafapha a mmušo.
- (2) Ka ntle ga go kgaoletša kakaretšo ya karolwana (1)-
 - (a) ga go rekhoto ya setšhaba ka fase ga taolo ya lefapha la mmušo e swanetšego go fetišetšwa go bolotadingwalo, go senywa, go phumolwa goba ka tsela ye nngwe ya lahlwa ka ntle le tumelelo ya go ngwalwa ya Molotatšakgale, yeo e ntšhitšwego go ya ka-
 - (i) Karolo 6 (4)(d) ya Molao wo; le
 - (ii) sephetho sa mafelelo ka Molekgotlaphethišo ge dithulano tše di sa rarollegego di tšwelela magareng ga Molotatšakgale le Lekgotla;
 - (b) Molotatšakgale o swanetše-
 - (i) laetša ditsela tša tlhopho ya direkhoto yeo e tlo go šomišwa ke mafapha a mmušo;
 - (ii) laetša mabaka ao go ya ka ona ditsela tša elektroniki tša go rekhota di swanetšego go laolwa;
 - (iii) beakanya mabbaka go ao ya ka ona direkhoto di ka dirwago difilimi goba go tšweletšwa selektroniki
 - (c) Molotatšakgale a ka lekola direkhoto tša setšhaba go fihla mo e lego gore tekolo yeo e ka ھا bohlokwa mo phethagatšong ya mešomo ya gagwe ka fase ga Molao wo, eupša tekolo ya direkhoto tše tša setšhaba ye e nago le

kutollo ya tshedimošo yeo e kgaoletšwego fela ka tumelelano ya hlogo ya lefapha la mmušo leo le swanetšego.

- (3) Molotatšakgale a ka, nako efe le efe, ntšha ditaelo le melao, yeo e sa swanelago go amana le melawana, mabapi le taolo le tlhokomelo ya direkhoto tša setšhaba tše di lego ka fase ga tlhokomelo ya mafapha a mmušo.
- (4) (a) Hlogo ya lefapha la mmušo e swanelwa, go ya ka molao ofe le ofe wo o bušago thwalo ya bašomi ba lefapha la mmušo ba ba amegago le gona dinyakwa tšeo ka ge di ka kgethelwa, di ka hlaolago mohlankedi wa lefapha go ba malaodi wa direkhoto tša lekala le.
- (b) Molaodi wa direkhoto o swanetše go bona gore lefapha la mmušo le latela dinyakwa tša Molao wo.
- (c) Maatla le mešomo ya tlaleletšo ya molaodi wa direkhoto a ka kgethelwa.

KHWETŠO LE TAOLO YA DIREKHOTO TŠE E SEGO TŠA SETŠHABA

14. (1) Molotatšakgale a ka, legatong la Mmušo, hwetša ka theko, mpho goba kadimo ya lebakanyana goba go ya go ile, e ka ba ka ntle le go bea mabaka goba go ya ka mabaka ao a ka go kwanelwa, direkhoto tše e sego tša setšhaba tšeo, go ya ka kgopolo ya Molotatšakgale di nago le boleng bja go ya go ile le bohlokwa profenseng le gore di ka se kego tša bolokwa gabotse ke sehlongwa se sengwe.
- (2) Go ya ka mabaka afe le afe ao a ka go kgonagala, direkhoto tše e sego tša setšhaba ka fase ga karolwana (1) di swanetše go bolokwa ka go bolotatšakgale bjo bo laeditšwego ke Molotatšakgale.
- (3) Ga go motho goba sehlongwa se se nago le direkhoto tše e sego tša setšhaba ka fase ga tlhokomelo ya sona tšeo di rekhotalwego ka go lenaneo la profense leo go bolelwago ka lona ka go karolo 6 (4)(e) le swanetšego go senya, romelwa ka ntle ga Profense goba ka tsela ye nngwe la fediša direkhoto tša mohuta wo ka ntle le-
 - (a) go begela Lekgotla maikemišetšo a gagwe go fediša direkhoto tša mohuta gabotse ka matšatsi a 90 pele ga kgato ya mohuta wo; le
 - (b) go hwetša tumelelo ya Lekgotla ka kgato ya mohuta wo.

DIPEAKANYETŠO TŠA PHETIŠETŠO

15. (1) Motho yo e le Molaodi wa Molotatšakgale ka go Kgoro ya Dipapadi, Bokgabo le Setšo ya Profense ya Leboa ka pela pele ga go dirišwa ga Molao wo, o swanetše go tšwela pele ka mošomo

wa gagwe bjalo ka Molotatsakgale go fihla ge a bewa go ya ka karolo 2 ya Molao wo.

- (2) Direkhoto tše di hlokometšwego ke Molaodi wa Malotatsakgale ka go Kgoro ya Dipapadi, Bokgabo le Setšo mo letšatšing la pele ga ge go dirišwa Molao wo di tla fetišetšwa go molotatsakgale go ya ka mabaka ao a bego a šomišetšwa direkhoto tšeo ka letšatši leo.
- (3) Motho ofe le ofe yo e bego e le, ka pela pele ga go dirišwa ga Molao wo, leloko la bahlankedi ba Lekala la Malotatsakgale ba Kgoro ya Dipapadi, Bokgabo le Setšo o swanetše go tšwela pele go ba leloko la bohlangedi la Bolotatsakgale bja Profense.

MELATO LE DIKOTLO

16. (1) Motho ofe le ofe yo-

- (a) senyago ka boomo rekhoto efe le efe ya setšhaba goba ye e se go ya setšhaba ka fase ga taolo ya mmušo; le
- (b) ka tsela ye nngwe e sego go ya ka Molao wo goba molao wo mongwe, a tlošago, senyago goba a phumolago rekhoto ya mohuta wo.

o tla bonwa molato le go lebanwa ke, morago ga kahlolo, kotlo goba kgolego ya paka ye e sa fetego mengwaga ye mebedi goba bobedi kotlo le kgolego.

- (2) Motho ofe le ofe yo a palelwago ke go latela karolo 14 (3) o na le molato le go lebanwa ke kotlo morago ga kahlolo ya kotlo ye e sa fetego R10 000.
- (3) Molotatsakgale a ka gana go dumelela motho ofe le ofe yo a bonwego molato go ya ka karolwana (1), ka tšhomišo ya bolotatsakgale paka ye Molotatsakgale a bonago e le maleba, go ya ka boipiletšo bja Molekgotlaphethišo.

MELAWANA

17. (1) Molekgotlaphethišo a ka dira melawana ya-

- (a) taolo le tlhokomelo ya direkhoto tša setšhaba tše di lego ka fase ga tlhokomelo ya mafapha a mmušo.
- (b) kamogelo ya setšhaba go malotatsakgale, go bea direkhoto go šomišwa ke setšhaba, le tšhomišo ya ditlabakelo tša go dira

dikhophi tša, goba dikarolo go tšwa go, direkhoto tše di lego ka fase ga tlhokomelo ya Malotatšakgale a Profense.

- (c) ditshepedišo le mabaka a mangwe a peo a Maloko a Lekgotla;
- (d) tshepedišo mo dikopanong tša Lekgotla le dikomiti;
- (e) maatla a koketšo le mešomo ya molaodi wa direkhoto; le
- (f) merero ka moka ye e nyakegago, e dumeletšwego goba e le maleba go laetšwa go phethagatšeng dipeakanyetšo tša Molao wo.

PHETOŠO YA MELAO

18. Molao ye e latelago ka go realo e a fetošwa-

- (a) Molao wa Malotatšakgale wa Gazankulu, 1976 (Molao 6 wa 1976);
- (b) Molao wa Malotatšakgale wa Venda, 1976 (Molao 10 wa 1976);
- (c) Molao wa Malotatšakgale wa Leboa, 1975 (Molao 6 wa 1975).

THAETLELE YE KOPANA LE GO THOMA

19. Molao wo o tla bitšwa Molao wa Malotatšakgale wa Profense ya Leboa, 2001 gomme o tla thoma go dirišwa ka tšatšikgwedi yeo e beilwego ke Tonakgolo ka Kgoeletšo ka go Kuranta ya Profense.

NDIVHADZO YA VUNDU

OFISI YA PREMIA

No. 39**24 Tshimedzi 2001**

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

No. 5 wa 2001: Mulayo wa Dziakhaivi wa Vundu la Devhula, 2001.

MULAYO

Wa u vhetshela u itela u thomiwa ha Dziakhaivi dza Vundu la Devhula; ndangulo kwayo na u londolwa ha dzirekhodo dza zwivhili zwa muvhuso kha Vundu la Devhula; ndondolo na u shumiswa ha Ifa la Dziakhaivi dza Vundu la Devhula; u thomiwa ha Khoru ya Dziakhaivi; na u vhetshela u itela mafhungo a kwamanaho na zwenezwo.

(Tshipiga tsha Tshiisimane tsho sainwaho nga Premia)
(Tsho divhadzwa kha nga la 12-10-2001)

Hu khou vhewa mulayo nga Vhusimamilayo ha Vundu la Devhula, nga u rali-

DZITHANDAVHUDZO

1. Kha uyu Mulayo, nga nnda ha musu zwi re ngomu zwo sumbedziswa nga inwe ndila-

“Akhaivi” zwi amba rekhodo kha vhuundi ha mbulungo ya mbulungelo ya akhaivi-ngaredzi;

“Dziakhaivi dza Vundu” zwi amba dziakhaivi dza Vundu dzo thomiwaho nga khethekanyo 2 ya uyu Mulayo;

“Khoru” zwi amba Khoru ya Akhaivi yo bulwaho kha khethekanyo 6;

“maanda a u sudzulusa” zwi amba maanda o tou nwalawaho o bviswaho hu tshi tevhezwa khethekanyo (13)(2) (a) i buletshedzaho rekhodo dzi teaho u pfukisiwa u ya kha vhuundi ha Akhaivi kana dzi buletshedzaho rekhodo dzine dza do sudzuluswa nga u tou ralo;

“mbulungelo ya akhaivi” zwi amba mbulungelo ya dziakhaivi ifhio na ifhio yo bulwaho kha khethekanyo 11 (l);

“Muakhaivi” zwi amba Muakhaivi o bulwaho kha khethekanyo 4;

“mugaganyo “ zwi amba mushumo wa Akhaivi wa u ta u takulela nta dzirekhodo;

“Murafo wa Khorotshitumbe” zwi amba Murafo wa Khorotshitumbe a re na vhuifhinduleli ha u shumiswa ha uyu Mulayo;

“ndaulo” zwi amba ndaulo ifhio na ifhio yo itwaho fhasi ha uyu Mulayo; na

“rekhodo” zwi amba mafhungo o rekhodiwaho hu sa sedzwi tshivhumbeo kana luambo lwa u guda;

“rekhodo dza vhathu ” zwi amba rekhodo yo sikiwaho kana yo tangedzwaho nga tshivhili tsha muvhuso hu u tevhedza nyito dzayo;

“rekhodo dzi si dza nnyi na nnyi” zwi amba rekhodo dzo sikiwa kana dzo tangedziwa nga muthu wa phuraivete kana tshivhili nga nda ha tsho tndavhudziwaho sa tshivhili tsha muvhuso hu tshi tevhedzwa uyu Mulayo kana mulayo muwe ufho na ufho u tshelana na dzirekhodo kana dziakhaivi;

“sisteme ya khethekanyo ya dzirekhodo” zwi amba pulane ya u khethekanya u itela vhufadzi, nzudzanyo, mbulungo na u bvisululwa ha dzirekhodo;

“sisteme ya rekhodo dza elekithironiki” zwi amba sisteme ya rekhodo dzifho na dzifho dzine khadzo mafhungo a sikiwa nga lwa elekithironiki nahone a vhulungwa nga ndila ya thekinolodzhi ya khomputha;

“Tshivhili tsha Muvhuso” zwi amba mulayo ufho na ufho, khorotshitumbe, vhuatuli, kana tshipi tsha ndaulo tsha Muvhuso (hu tshi katelwa tshivhili tsha mulayo) kha zwiimo zwa vundu na muvhuso wapo wa Vundu la Devhula;

“thoho ya tshivhili tsha muvhuso” zwi amba muofisiri muhulwane wa tshivhili tsha muvhuso kana muthu o imelaho vhuimo nga u tou ralo;

“uyu Mulayo” zwi katela dzindaulo.

“Vundu” zwi amba Vundu la Devhula;

“Vhusimamilayo” zwi amba Vhusimamilayo ha Vundu ;

“vhuundi” zwi amba ndango kana rekhodo dzo tewaho ho sedzwa nyimele yadzo;

U THOMIWA HA DZIAKHAIVI DZA VUNDU

2. (1) Akhaivi dza Vundu la Devhula dzi divheaho sa Akhaivi dza Vundu dzi khou thomiwa; nahone
- (2) Akhaivi dza Vundu dzi do langulwa nga Muakhaivi, ane a do vhewa nga Murado wa Khorotshitumbe zwi kha tsheo ya tshenzhemo yawe ya phurofesheni na ndalukano dza Akhaivi dzo teaho.

NDIVHO NA MISHUMO YA AKHAIVI DZA VUNDU

3. Ndivho na mishumo ya Akhaivi dza Vundu ndi u –
 - (a) vhulunga rekhodo dza nnyi na nnyi na dzi si dza nnyi na nnyi dzi na ndeme khulwane u itela u shumiswa nga nnyi na nnyi na Muvhuso;
 - (b) ita uri dzenedzo rekhodo dzi swikelelee na u tūtuwedza u shumiswa hadzo nga nnyi na nnyi;
 - (c) vhona uri hu vhe na ndangulo yo teaho na u londolwa ha rekhodo dza nnyi na nnyi;
 - (d) kuvhanganya rekhodo dzi re na ndeme khulwane ya vundu na vhuvha ha vundu vhune vhu nga si kone u vhulungea zwavhuḽi nga tshiḽwe tshiimiswa, hu tshi dzhielwa nt ha t hoḽea kha masia a liḽwalo tshenzhemo ya lushaka yo litshedzelwaho nga dzimbulungelo dza dziakhaivi tshifhingani tsho fhiraho;
 - (e) bveledza vhuandani na pfananyo vhukati ha zwiimiswa zwi re na vhuundḽi ha rekhodo dzi si dza nnyi na nnyi dzi re na ndeme khulwane.
 - (f) bveledza tshenzhemudzo ya dziakhaivi na ndangulo ya dzirekhodo na u tūtuwedza mishumo na dzindangulo dza ndangulo ya vhuakhaivi na dzirekhodo; na
 - (g) bveledza nga u angaredza u vhulunga na u shumiswa ha ifa la akhaivi la vundu.

MUAKHAIVI NA TSHITAFU

4. (1) Muakhaivi kha u ita mishumo yawe u tea u thusiwa nga vhaofisiri na vhashumi vho vhewaho hu tshi tevhezwa Mulayo wa Tshumelo ya Vhathu 1994 (Mulevho 103 wa 1994).
 - (2) (a) Muakhaivi a nga, hu tshi tevhelwa maimela afhio na afhio, hwesa maandḽa kana a vhea ndivhanelo kha muraḽo wa tshitafu nahone a nga ri tshifhinga tshiḽwe na tshiḽwe a fhelisa honoho u hweswa kana mushumo.
 - (b) Khweso kana mushumo a wo ngo tea u bvula Muakhaivi maandḽa o hweswaho kana ndivhanelo yo avhelwaho Muakhaivi nahone a nga ri tshifhinga tshiḽwe na tshiḽwe a khwinisa kana a vhetshela thungo tsho yo itwaho fhasi ha zwenezwo, kana a shumisa maandḽa kana a ita ndivhanelo dzi kwameaho

MAANDA NA NDIVHANELO DZA MUAKHAIVI

5. (1) Muakhaivi u tea –

- (a) u dzhia maga aneo sa zwo fanelaho u itela u dzudzanya, buletshedza na u wanulula dzirekhodo;
 - (b) u tsetshedza vhuṭanzi, vhukwamani, vhuṭodesi na dziṇwe tshumelo dzi tṭshelanaho na dzirekhodo;
 - (c) hu na nyambedzelo ya sipeshala kha nyito dzo telwaho u swikelela kha dzisekithara dza vhapo vho siwaho nṇḁa, u ḁivhadza vhuṭanzi a elanaho na dzirekhodo nga ndila I fanaho na nyandadzo, maṭano na u hadzimiwa ha dzirekhodo; na
 - (d) u ṭoḁa muthu o shumisaho dzirekhodo kha akhaivi dza Vundu musi a tshi ita ṭhoḁisiso ya u gandiswa kana desithesheni u itela u ḁisedza kopi ya mugandiso kana desithesheni kha Akhaivi dza Vundu.
- (2) Muakhaivi a nga-
- (a) ṇea vhugudisi ha tekeniki dza akhaivi na ndagulo ya dzirekhodo;
 - (b) anḁana na madzanganano a takalelaho zwa mafhungo a dziakhaivi kana ndangulo kana dzirekhodo;
 - (c) vhetshela thikhedzo ya tekeniki na phurofesheni i thusaho mishumo ya akhaivi na akhaivi dza vhadzulapo; nahone
 - (d) nga thusano na Muraḁo wa Khorotshitumbe na Khoru a nga tendela tshivhili tsha muvhuso tshiṇwe na tshiṇwe u bva kha mbetshelo ifhio na ifhio ya uyu Mulayo.

U THOMIWA, NDAYOTWEA NA MISHUMO YA KHORO YA DZIAKHAIVI

6. (1) Muraḁo wa Khorotshitumbe a nga, nga nḁivhadzo kha Gazethe thoma khoro ine ya ḁo ḁivhiwa sa Khoro ya Akhaivi dza Vundu ḁa Devhula.
- (2) Khoro i ḁo vhumbiwa nga Muakhaivi na miraḁo vhaṇwe vha sa fhiriho ṭahe vho vhewaho nga Muraḁo wa Khorotshitumbe u bva vhukati ha vhaṇwe vhathu vhane vha vha na nḁivho ya, kana vha vha na dzangalelo kha, mafhungo a dziakhaivi.
- (3) Matshimbidzele na dziṇwe nyimele u itela u vhewa sa muraḁo wa Khoro a fanela u vha sa zwe a randelwa.
- (4) Mishumo ya Khoro ndi u -
- (a) eletshedza Muraḁo wa Khorotshitumbe kha mafhungo afhio na afhio a tṭshelanaho na tshumiso ya uyu Mulayo;

- (b) eletshedza na u thusa Muakhaivi kha u khunyeledza dziñwe ndivho na mishumo ya Akhaivi dza Vundu
 - (c) bveledza pfananyo ya u vhumbiwa ha mbekanyamaitele dza akhaivi na u pulana kha vhuimo ha Vundu;
 - (d) tendela mbekanyamaitele ya ndeme ya Akhaivi dza Vundu la Devhula na u monitha u shumiswa hayo;
 - (e) londota mutevhe wa rekhodo dzi si dza nnyi na nnyi kha Vundu dzine, nga kha mbonalo ya Khoru, dza vha na ndeme yo lapfaho; na
 - (f) shumisa maanda o bulwaho kha khethekanyo 5(2)(d) na 12 (3) dza uyu Mulayo;
- (5) Khoru i nga vhea dzikomiti u bva ngomu ha mirado ya Khoru nahone i nga eletshedza komiti ifhio na ifhio yo nangwaho nga uralo mishumo ya Khoru sa zwine zwa nga vhonala zwo tea, fhedzi Khoru i so ngo vulwa mushumo ufhio na ufhio we Khoru ya hwesa nga u ralo nahone i nga khwinisa kana u fhelisa phetho ya yeneyo komiti.
- (6) Matshimbidzele a mitangano ya Khoru na a komiti a tea u vha sa zwe a randelwa.
- (7) Khoru kana komiti ifhio na ifhio i nga dzhenisa muthu ufhio na ufhio u shuma kha Khoru kana kha komiti, sa zwine zwa nga vha zwone, kha ndadzo ya u tsivhudza, fhedzi murado onoyo o dzheniswaho ho ngo tea u vha na pfanelo dza u vouta.
- (8) Murado zwawe kana murado o bulwaho o dzheniswaho kha khethekanyot hukhu (7), ane a si vhe kha tshumelo ya tshot he ya muvhuso, u tea u badelwa u bva kha tshikwama tsha Khoru honoho u tshimbila na mbadelo dziñwe dzo itwaho nga murado onoyo, malugana na mishumo ya Khoru, sa zwine Murado wa Khoru a nga ta a tshi tendelana na Murado wa Khorotshitumbe wa Gwama.

MUNWALELI NA TSHITAFU TSHA KHORO

7. (1) Mushumo u tutshelanaho na na vhuitwa ha mishumo ya Khoru u tea, hu tshi tevhelwa ndaela dza Khoru, u shumiwa nga munwaleli o vhwaho nga Khoru kha aneyo maimela a tshumelo nahone kha aneyo malamba na mbuelo dza tshumelo sa zwine Murado wa Khorotshitumbe, hu na thendelo ya Murado wa Khorotshitumbe wa Gwama, a nga ta.

- (2) Muñwaleli a nga thusiwa, kha u shuma mishumo ya Munwaleli nga vhathu vho vhewaho nga Khoru kha aneyo maimele a tshumelo na kha aneyo malamba nahone hu tshi tevhelwa yeneyo mbuelo yeneyo ya tshumelo sa zwine Khoru i nga, hu na thendelo ya Murado wa Khorotshitumbe, zwo tendelwa hu na vhukwamani na Murado wa Khorotshitumbe wa Gwama, a nga ta.

TSHIKWAMA TSHA KHORO YA DZIAKHAIVI

8. (1) Tshikwama tsha Khoru tshi tea u vhumbiwa nga –
- (a) tshelede yo avhelwaho nga Vhusimamilayo;
 - (b) tshelede yo kuvhanganyiwaho kha Khoru u bva kha zwiko zwiñwe zwifhio na zwifhio.
- (2) Muñwaleli wa Khoru u tea u vula akhaunthu nga dzina la Khoru nga tshiimiswa tsho redzhisitariwa sa bannga hu tshi tevhedzwa Mualyo wa Bannga, 1990 (Mulayo No.94 wa 1990), nahone u tea u vhulunga kha yeneyo akhaunthu tshelede yo the yo waniwaho hu tshi tevhedzwa iyi khethekanyo.
- (3) Khoru i tea u shumisa masheleni a Khoru kha mbadelo ya milandu yo iti waho kha u shumiwa ha mishumo ya Khoru fhasi ha uyu Mulayo.
- (4) Khoru i tea uri kha ñwaha muñwe na muñwe wa muvhalelano, nga tshifhinga tsho tiwaho nga Murado wa Khorotshitumbe, i netshedze tshitatamennde tsha Khoru tsha u anganya tsha mbuelo na zwibviswa zwa tshifhinga tsha ñwaha wa muvhalelano u tevhelaho kha Murado wa Khorotshitumbe u itela thendelo, i newaho hu na tendelwa ya Murado wa Khorotshitumbe wa Gwama.
- (5) Zwikolodo zwa Khoru kha ñwaha wa muvhalelano wo newaho a zwo ngo tea u fhira mbalo tshikati yo tendelwaho hu tshi tevhedzwa khethekanyo thukhu (4).

VHUDIFHINDULELI

9. (1) Muñwaleli wa Khoru u do vha muofisiri wa mbalelano a re na vhudifhinduleli wa Khoru nahone u fanela u vha na vhudifhinduleli ha tshelede yo the yo tangedzwaho na mbadelo dzo the dzo itwaho nga Khoru.
- (2) Muofisiri wa Muvhalelano u tea-
- (a) u vhulunga rekhodo dza vhukuma nahone nga lwo fhelelaho dza tshelede dzo the dzo tangedzwaho kana dzo shumiswaho nga Khoru, na ndaka na khwalo ya Khoru;

- (b) nga u t̃avhanya nga hune zwa nga konadzea nga murahu ha u fhela ha ñwaha wa Muvhalelano wa Khoru, u talatadza zwidombbedzwa zwa muvhalelano wa ñwaha, zwi sumbedzaho tshelede yo t̃anganedzwaho nga Khoru, zwibviswa zwo itwaho nga Khoru, na ndaka dzayo na khwalo mafheloni a ñwaha muniwe na muniwe wa Muvhalelano.
- (3) Ñwaha wa Muvhalelano wa Khoru u fhela nga 31 T̃hafamuhwe ñwaha muniwe na muniwe.
- (4) Rekhodo na zwitatamennde zwa ñwaha wa muvhalelano zwo bulwaho kha khethekanyot̃hukhu (2), zwi tea u t̃oliwa nga Mut̃olambalelano Muhulwane.

MIVHIGO YA ÑWAHA NGA ÑWAHA

- 10. (1) mafheloni a ñwaha muniwe na muniwe wa muvhalelano Muakhaivi u tea u vhekanya muvhigo nga ha mishumo yot̃he ya Akhaivi dza Vundu wa wonoyo ñwaha wa Muvhalelano, nahone Khoru i tea u vhekanya muvhigo nga ha yot̃he mishumo ya Khoru u itela wonoyo ñwaha wa Muvhalelano.
- (2) Muvhigo wa Akhaivi u tea u katela –
 - (a) zwidombbedzwa zwa mbuelo na zwibviswa;
 - (b) mutevhe wo fhelelaho wa u dzudzanya vhulaedzwa ho bviswaho;
 - (c) mbalelano dzo t̃he dza milandu yot̃he i so ngo laedzwaho ya nzudzanyo ya rekhodo dza vhathu dzo senguluswaho nga akhaivi dza Vundu; na
 - (d) mbalelano ya zwivhili zwo t̃he zwa muvhuso zwo kundelwaho nga u tevhedzelana na uyu Mulayo.
- (3) (a) Muvhigo wa Muakhaivi na wa Khoru, khathihi na zwitatamennde zwa ñwaha wa muvhalelano zwo t̃lwaho malugana na zwi kwama zwa Khoru zwi tea u t̃etshedzwa kha Murado wa Khorotshitumbe, na
- (b) Murado wa Khorotshitumbe u tea u vhea mivhigo yo bulwaho kha phara 3(a) afulani kha Vhusimamilayo vhukati ha maduvha a 14 nga murahu ha u zwi t̃anganedza hene fho-ha arali Vhusimamilayo vhu kha dzulo, vhukati ha maduvha a 14 a u thomiwa ha dzulo li tevhelaho.

VHUUNDI NA U VHULUNGIWA HA DZIREKHODO

11. (1) Muraḁo wa Khorotshitumbe a nga u bva tshifhinga na tshifhinga thoma mbulungelo dza dziakhaivi fhasi ha ndango ya Muakhaivi u itela vhuundi na u vhulungwa ha dzirekhodo.
- (2) Rekhodo dza nnyi na nnyi dzi wanalaho kha vhulaedzwa ha nzudzanyo sa dzi re na ndeme ya tshifhinga dzi tea u sudzuluswa kha mbulungelo ya dziakhaivi musi dzo no vha na miṁwaha i fhiraho 20 fhedzi-
- (a) a hu na muṁwe Mulayo wa Phalamennde kana wa Vhusimamilayo u ṱoḁaho dzenedzo rekhodo dzi tshi vhewa kha vhuundi ha tshenetsho tshivhili tsha muvhuso kana muthu;
- (b) Muakhaivi a nga nga murahu ha u kwamana na ḥoho ya tshivhili tsha muvhuso, a ṱoḁisisa dzenedzo rekhodo dzine -
- (i) dza tea u dzula dzi kha vhuundi ha tshivhili tsha muvhuso; kana
- ii dza tea u sudzuluselwa kha mbulungelo ya dziakhaivi phanda ha musi dzo vha hone miṁwaha ya 20.
- (c) Muakhaivi a nga ḁi hanedzana na u sudzuluswa ha rekhodo dza nnyi na nnyi;
- (d) Muakhaivi a nga nea thendelo u itela rekhodo dzifhio na dzifhio dza nnyi na nnyi uri dzi sudzuluselwe kha mbulungelo ya dziakhaivi phanda ha musi dzi tshi nga vha dzo vha hone miṁwaha ya 20.
- (3) Muraḁo wa Khorotshitumbe a nga randela tshifhinga na nyimele dza kutshimbidzele kwa u sudzuluswa ha dzirekhodo fhasi ha khethekanyo-ṱhukhu (2).
- (4) Muakhaivi u tea u dzhia maga aneyo sa zwo fanelaho u itela u londola na u vhulunga dzirekhodo.

U SWIKELELA NA MASHUMISELE

12. (1) Hu tshi tevhedzwa Mulayo muṁwe ufhio na ufhio wa phalamende kana wa Vhusimamilayo u shumanaho na u swikelela ha rekhodo dza nnyi na nnyi-
- (a) rekhodo ya nnyi na nnyi i re kha vhuundi ha Akhaivi dza Vundu i tea u wanala u itela u swikelelea nga nnyi na nnyi arali

tshifhinga tsha minwaha ya 20 tsho no fhela u bva mafheloni a n̄waha une khawo u shuma ha rekhodo ha vha ho swika magumoni; nahone

- (b) u swikelelea kha rekhodo ya nnyi na nnyi hune khaho tshifhinga tsha minwaha ya fhasi ha 20 tsha vha tsho no fhela u bva mafheloni a n̄waha une khawo u shuma ha rekhodo ha swika magumoni hu nga netshedzwa nga Muakhaivi nga kha khumbelo.
- (2) Rekodo i si ya nnyi na nnyi i re kha vhuundi ha Tshumelo ya Dziakhaivi i tea u wanala u itela u swikelelwa nga nnyi na nnyi hu tshi tevhelwa maimela afhio na afhio o tendelaniwaho khao kha u wanala hayo hu tshi tevhedzwa khethekanyo 14 (1) ya uyu Mulayo.
- (3) Nga n̄da ha khethekanyo t̄hukhu (1) na (2), Muakhaivi a nga hana u dzeha kha rekhodo nga n̄hani ha nyimele yayo, fhedzi hu tea u vha na pfanelo ya khat̄hululo kha Khorozwi fhambanaho na khanedzo.

NDANGULO YA REKHODO DZA NNYI NA NNYI

- 13. (1) Hu tshi tevhelwa mbetshelo dza uyu Mulayo, Muakhaivi u tea u vha na vhuḍifhinduleli ha u langula nga ngona na u londola rekhodo dza nnyi na nnyi kha vhuundi ha zwivhili zwa muvhuso.
- (2) Hu si na u fhungudza vhuangaredzi ha khethekanyo t̄hukhu (1) –
 - (a) a hu na rekhodo dza nnyi na nnyi nga fhasi ha ndango ya tshivhili tsha muvhuso dzi teaho u sudzuluswa u ya kha mbulungelo ya dziakhaivi, u tshinyekanya, thuthiwa kana nga in̄we n̄dila dza dzudzanywa nga n̄da ha thendelo ya u tou n̄wala ya Muakhaivi, yo bviswaho hu tshi tevhelwa –
 - (i) khethekanyo 6 (4) (d) ya uyu Mulayo; na
 - (ii) tsheo ya u fhedza nga Muraḍo wa Khorotshitumbe musi phambano dzi sa tanduluwiho dzi tshi t̄aha vhukati ha Muakhaivi na Khorozwi;
 - (b) Muakhaivi u tea u –
 - (i) ta sisteme ya khethekanyo ya dzirekhodo i no ḍo shumiswa nga zwivhili zwa muvhuso;
 - (ii) ta maimela malugana na zwine sisteme dza elekithironiki dza u rekhoda dza nga langulwa ngaho

- (c) Muakhaivi u tea u tōla rekhodo dza nnyi na nnyi u ya nga hune yeneyo t̄holo ya nga vha yo tea u itela u shuma mishumo Muakhaivi fhasi ha uyu Mulayo, fhedzi t̄holo ya rekhodo dza nnyi na nnyi dzine dza vha na mafhungo ane u dzumbululwa ha vha ho thivhelwa nga Mulayo muñwe ufio na ufio wa Phalamennde kana wa Vhusimamilayo, hu tea u itiwa fhedzi hu na thendelo ya tshivhili tsha muvhuso tshi kwameaho.
- (3) Muakhaivi a nga u bva tshifhinga na tshifhinga bvisa na ndaela, dzi sa fhambani na ndaulo, sa ya ndaulo na u londolwa ha rekhodo dza nnyi na nnyi i re kha vhuund̄i ha mbulungeloni ya zwivhili zwa muvhuso.
- (4) (a) T̄hoho ya tshivhili tsha muvhuso, hu tshi tevhedzwa mulayo ufio na ufio u vhusaho u tholiwa ha vhatholiwa vha tshivhili tsha muvhuso tshi kwameaho na dzenedzo t̄hōdea sa zwine zwa nga randelwa, a nga nanga muofisiri wa tshivhili tshenetsho uri a vhe mulanguli wa dzirekhodo wa tshenetsho tshivhili.
- (b) Mulanguli wa dzirekhodo u tea u vhona uri tshivhili tsha muvhuso tshi tendelana na t̄hōdea dza uyu Mulayo.
- (c) Nyengedzedzo ya maand̄a na mishumo ya mulanguli wa dzirekhodo i nga d̄i randelwa.

U WANALA NA NDANGULO YA REKHODO DZI SI DZA NNYI NA NNYI

- 14. (1) Muakhaivi a nga, o imela Muvhuso, d̄iwanela nga u renga kana nga mpho kana nga khadzimo lwa tshifhinga tsh̄iuku kana nga hu sa fheliho, hu nga vha nga maimela kana hu tshi tevhedzwa aneyo maimela nga henefho hune zwa nga tendelwa ngaho, rekhodo dza nnyi na nnyi dzine, nga kuvhonele kwa Muakhaivi dza vha na ndeme ya tshifhinga na ndeme ya vundu nahone dzine dzi nga si londolwe zwavhuḍi nga tshiñwe tshiimiswa.
- (2) Hu tshi tevhelwa maimela afio na afio sa zwine zwa nga vha zwone rekhodo dzi si dza nnyi na nnyi dzi wanalaho fhasi ha khethekanyo-t̄hukhu (1) dzi tea u vhulungwa kha mbulungelo ya dziakhaivi dzo tiwaho nga Muakhaivi.
- (3) A hu na muthu kana tshiimiswa tshi re na rekhodo dzi si dza nnyi na nnyi kha vhuund̄i ha zwo rekhodiwaho kha mutevhe wa province wo bulwaho kha khethekanyo 6 (4) (e) dzi teaho u tshinyadzwa vhambadzelwaseli u bva kha Vundu kana nga t̄iwe nd̄ila u dzudzanywa ha dzenedzo rekhodo hu si na

- (a) u vhiga kha Khoro muhumbulo wa u dzudzanya dzenedzo rekhodo phanda ha maduvha a 90 a u ita yeneyo nyito; na
- (b) thendelo yo tsireledzeaho ya Khoro u itela yeneyo nyito.

THENDELO DZA U PFUKHISELA

- 15. (1) Muthu we a vha e Mulangi wa Dziakhaivi kha Muhasho wa Vundu la Devhula wa Mitambo, Vhutsila na Mvelele zwenezwo phanda ha musu uyu Mulayo u tshi shuma u tea u bvela phanda kha ofisi sa Muakhaivi u swikela a tshi vhewa hu tshi tevhezwa khethekanyo 2 ya uyu Mulayo.
- (2) Rekhodo dzi re kha vhuundi ha Mulangi wa Dziakhaivi kha Muhasho wa Vundu la Devhula wa Mitambo, Vhutsila na Mvelele zwenezwo nga duvha la phanda ha musu uyu Mulayo u tshi thoma u shuma, dzi sudzuluselwa kha Muakhaivi hu tshi tevhelwa maimela afhio na afhio e a shumiswa kha dzenedzo rekhodo nga lenelo duvha.
- (3) Muthu muwe na muwe we zwenezwo phanda ha u shuma ha uyu Mulayo, a vha e murafo wa tshifafu tsha Khethekanyo ya Dziakhaivi tsha Muhasho wa Vundu la Devhula wa Mitambo, Vhutsila na Mvelele u tea u bvela phanda na u vha murafo wa tshifafu tsha Dziakhaivi dza Vundu.

VHUKHAKHI NA KHATHULO

- 16. (1) Muthu ufho na ufho ane-
 - (a) Nga khole a tshinyadza rekhodo ifho na ifho ya nnyi na nnyi kana i si ya nnyi na nnyi fhasi ha ndango kana tshivhili tsha muvhuso; na
 - (b) Nga iwe ndila nga nda ha zwi elanaho na uyu Mulayo kana mulayo muwe ufho na ufho, a bvisa, a tshinya kana a thutha yeneyo rekhodo.

u na mulandu wa vhukhaki nahone u do tewa nga faini kana u valelwa dzhele tshifhinga tshi sa fhiriho minwaha mivhili kana zwothe yeneyo faini na u valelwa dzhele.

- (2) Muthu ufho na ufho ane a kundelwa u tevhezvelana na khethekanyo 14 (3) u na mulandu wa vhukhaki nahone u do tewa nga faini i sa fhiriho R10 000.
- (3) Muakhaivi a nga hana u tendela muthu ufho na ufho a re na mulandu wa vhukhaki hu tshi tevhezwa khethekanyo thukhu (1), u dzhena kha mbulungelo ya dziakhaivi tshifhinga tshenetsho tshine Muakhaivi a

nga vhona tsho tea, hu tshi tevhelwa khat hululo ya Muraḁo wa Khorotshitumbe.

NDAULO

17. (1) Muraḁo wa Khorotshitumbe a nga ita ndaulo dza –
- (a) ndangulo na u londolwa ha rekhodo dza nnyi na nnyi kha vhuundi ha zwivhili zwa muvhuso.
 - (b) u tangedzwa ha nnyi na nnyi kha mbulungelo dza dziakhaivi, a ita uri dzirekhodo dzi wanale u itela u swikelelea nga nnyi nnyi, na u shumiswa ha zwishumiswa u itela u ita dzikopi dza, kana u bvisa u bva kha, rekhodo kha vhuundi ha Akhaivi dza Vundu.
 - (c) matshimbidzele na maiwe maimela a u vhewa ha Muraḁo vha Khoro;
 - (d) matshimbidzele a mitangano ya Khoro na Dzikomiti;
 - (e) nyengedzedzo ya maanda na mishumo ya mulanga dzirekhodo; na
 - (f) mafhungo, o the a todeaho, o tendelwaho kana o fanelaho kha u randelwa u itela u bvisela phanda mbetshelo dzashu dza uyu Mulayo.

U PHUMULWA HA MILAYO

18. Milayo i tevhelaho afha i khou thuthiwa-
- (a) Mulayo wa Dziakhaivi wa Gazankulu, 1976 (Mulayo No.6 wa 1976);
 - (b) Mulayo wa Dziakhaivi wa Venda, 1976 (Mulayo No.10 wa 1976); na
 - (c) Mulayo wa Dziakhaivi wa Lebowa, 1975 (Mulayo No.6 wa 1975).

DZINA LIPFUFHI NA MATHOMO

19. Uyu Mulayo u vhidzwa Mulayo wa Dziakhaivi wa Vundu la Devhula, 2001 nahone u thoma u shuma nga datumu yo vhwaho nga Premia nga Mulevho kha Gazethe ya Vundu.